The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

JOURNAL

OF THE

TEXAS STATE CONVENTION,

institutional

ASSEMBLED AT AUSTIN, FEB. 7, 1866.

ADJOURNED APRIL 2, 1866.

AUSTIN:
PRINTED AT THE SOUTHERN INTELLIGENCER OFFICE.
1866.

JOURNAL.

AUSTIN, February 7th, 1866.

Pursuant to the Proclamation of His Excellency, A. J. Hamilton, Provisional Governor of Texas, of date November 15th, 1865, ordering an election for the purpose of electing Delegates to a Convention, to convene in the City of Austin, on the 7th day of February, 1866, to alter or amend the Constitution of the State, the Delegates present at the Capitol assembled in the Hall of the House of Representatives, at the hour of 12, M.

On motion of Hon. J. W. Throckmorton, the Hon. James H. Bell, Secretary of State, was requested to take the Chair, to call the roll of Districts, and receive the credentials of the Delegates.

Messrs. Throckmorton and Taylor of Fannin, the Committee appointed, on motion of the Hon. J. W. Henderson, for the purpose, conducted the Secretary of State to the Chair.

James B. Morris, late Chief Clerk of the House of Representatives, was appointed Secretary, *pro tem.*

On motion of the Hon. W. M. Taylor, Col. A. B. Burleson was appointed Sergeant-at-arms, *pro tem.*

The roll of Districts being called, the following named gentlemen presented their credentials:

District No. 6—Shelby County, I. O. P. Richardson.
" " 7—Nacogdoches County, Richard S. Walker.
" " 8—Nacogdoches and Angelina Counties, Wm. Anderson.
" " 9—Houston County, Wm. M. Taylor.
" " 12—Cherokee County, Jack Davis and George C. Benge.
" " 13—Rusk County, J. H. Parsons and J. W. Flannigan.
" " 14—Panola County, P. W. Clements.
" " 16—Harrison and Panola Connties, C. A. Frazier.
" " 18—Davis County, W. P. Saufley.

District No. 20—Davis, Titus and Bowie Counties, H. R. Runnels and H. P. Mabry.
“ “ 21—Upshur County, W. P. Beal and J. L. Camp.
“ “ 22—Red River County, A. H. Latimer.
“ “ 23—Lamar County, Alexander Smith.
“ “ 24—Hopkins County, H. W. Nelson.
“ “ 25—Lamar and Hopkins Counties, M. L. Armstrong.
“ “ 26—Wood County, A. P. Shuford.
“ “ 27—Van Zandt, Kaufman and Henderson Counties, A. B. Norton. (Name enrolled on motion of Taylor of Houston, without a certificate.)
“ “ 29—Fannin County, R. H. Lane.
“ “ 30—Fannin and Hunt Counties, Rob't H. Taylor. (Name enrolled on motion of Mr. Throckmorton, without a certificate.)
“ “ 32—Collin County, J. K. Bumpass.
“ “ 33—Collin and Grayson Counties, J. W. Throckmorton.
“ “ 36—Harris County, J. W. Henderson.
“ “ 38—Walker County, Benton Randolph.
“ “ 39—Leon and Madison Counties, W. B. Middleton.
“ “ 41—Navarro and Hill Counties, J. L. Halbert.
“ “ 42—Ellis, Johnson and Parker Counties, A. J. Ball and Amzi Bradshaw.
“ “ 43—Tarrant County, Middleton T. Johnson.
“ “ 44—Dallas County, J. K. P. Record and Alexander Harwood.
“ “ 45—Denton County, M. W. Allen.
“ “ 47—Matagorda, Wharton and Fort Bend Counties, Wells Thompson.
“ “ 49—Colorado County, Geo. W. Smith.
“ “ 50—Fayette County, Hamilton Ledbetter.
“ “ 51—Washington County, D. C. Giddings.
“ “ 52—Washington and Fayette Counties, James E. Shepard.
“ “ 53—Burleson and Robertson Counties, James Shaw.
“ “ 54—Bastrop County, Geo. W. Jones.
“ “ 55—Travis County, John Hancock.
“ “ 56—Travis and Williamson Counties, W. C. Dalrymple.
“ “ 57—Williamson and Milam Counties, F. A. Hill.

District No. 59—Bell and Lampasas Counties, X. B. Saunders.
“ “ 60—McLennan and Bosque Counties, E. J. Gurley.
“ “ 61—Coryell, Hamilton, Comanche, Erath, Brown, Palo Pinto, Stephens, Eastland, Shackleford, Callahan, Coleman, Jones, Taylor and Runnels Counties, James M. Norris.
“ “ 62—Calhoun, Victoria, Jackson and DeWitt Counties, A. H. Phillips and Wm. M. Varnell.
“ “ 63—Lavaca County, J. W. Whitfield.
“ “ 64—Gonzales County, T. N. Waul.
“ “ 65—Guadalupe County, John Ireland.
“ “ 66—Comal County, Dan'l Murchison.
“ “ 68—Burnet, Llano, San Saba, McCulloch and Concho Counties, J. M. Young.
“ “ 69—Goliad, Refugio and San Patricio Counties, L. B. Camp.
“ “ 70—Karnes, Bee, Live Oak, Atascosa, McMillen Frio, LaSalle, Zavala and Dimmit Counties, Orrin Drake.
“ “ 71—Bexar County, I. A. Paschal, Ed. Degener.
“ “ 72—Bexar, Medina, Uvalde, Dawson, Kinney and Maverick Counties, Wm. E. Jones.
“ “ 73—Cameron County, G. B. Thomas.
“ “ 74—Cameron and Hidalgo Counties, F. J. Parker.
“ “ 76—Webb, Nueces, Duvall and Encinal Counties, E. J. Davis.

Total number present—63.

No Delegates present from Districts Nos. 1, 2, 3, 4, 5, 10, 11, 15, 17, 19, 28, 31, 34, 35, 37, 40, 46, 48, 58, 67, 75 and 77.

On motion of Mr. Runnels, Hon. J. W. Henderson took the Chair as President, *pro tem.*

On motion of Mr. Parsons, the Convention adjourned till to-morrow morning at 10 o'clock.

THURSDAY, February 8th, 1866.

Convention met, pursuant to adjournment, and was called to order by the Hon. J. W. Henderson, President pro tem. Roll called; quorum present.

Messrs. Roberts, Selman, Perry, Tyler, Shields, and Reeves, members elect from the counties of Smith, Anderson and Grayson, respectively presented their credentials, and took their seats as delegates.

Mr. Taylor of Houston offered the following resolution:

Resolved, That the Rules of the House of Representatives of Texas be adopted for the government of the Convention, until the same are altered or changed by this body.

Adopted.

On motion of Mr. Davis of Webb, the action of the Convention admitting Mr. Shaw to a seat was reconsidered, and Mr. Boyd admitted to the seat.

On motion of Mr. Mabry, the Convention then proceeded to the election of Officers.

Nominations being in order, Mr. Jones of Bastrop nominated J. W. Throckmorton. Mr. Taylor of Fannin nominated A. H. Latimer. Mr. Parsons nominated H. R. Runnells. Mr. Frazier nominated Wm. H. Taylor.

Messrs. Taylor of Fannin, Jones of Bastrop, and Parsons, were appointed Tellers.

Upon telling the vote, it appeared that Mr. Throckmorton had received 22 votes, Mr. Latimer 24 votes, Mr. Taylor 11 votes, Mr. Runnels 11, and Scattering 2.

No one having received a majority, and the names of Messrs. Taylor and Runnels having been withdrawn, the Convention proceeded to a second ballot. Upon telling the votes, it appeared that Mr. Throckmorton had received 41 votes, Mr. Latimer 24 votes, and Scattering 3.

Mr. Throckmorton, having received a majority of all the votes cast, was declared duly elected President of the Convention.

Messrs. Paschal, Waul and Ledbetter were appointed a committee to conduct the President elect to the chair.

Upon taking the chair, the President elect addressed the Convention as follows:

Gentlemen of the Convention:

We have met together under peculiar circumstances. We have passed through a period in the history of our country, momentous in its character, and from which a new era will be inaugurated. As the representatives of the people of Texas, we have been intrusted, at a critical moment, with their most sacred interests. We should act with the purest patriotism, and, in my humble judgment, with a view alone to the future, uninfluenced by past predilections or opinions, and uncontaminated by passion or prejudice.

The period through which the country has passed has been one of extraordinary gloom. It has been a period which has made the stoutest hearts quail, and the purest patriots tremble. I recur to the past with no other purpose than to recall to mind our situation, and the responsibilities now devolving upon us.

Allow me to express the conviction already impressed upon my mind, that your deliberations will be harmonious, and marked with that spirit which should alone prevail where such great interests are at stake. Let us by our action strengthen the hands of the Executive of the Nation, and, by a ready and willing compliance with his suggestions, show to our national brethren that we are, in good faith, disposed to renew our allegiance to the general government. Let us bury, upon the altar of our common country, all the recent past, with all its painful associations and recollections; and, upon that altar, hallowed by the clustering reminiscences of three quarters of a century, renew our devotions to the Government of our Fathers—a government reared by sufferings, and consecrated by their blood, and in the glories of which we have an inheritance.

Let us kindle afresh, in our own bosoms, and in the bosoms of our fellow-citizens throughout the length and breadth of our noble State, the fires of patriotism that once burned so brightly in behalf of the general government, but which have been well nigh extinguished by the blood of civil war. Let the future deliberations of the Convention show to the authorities of the government and to the American people, that, although Texas is the last of the Southern States seeking restoration, the delay was caused by no fault of her people.

I thank you, gentlemen, for the honor you have conferred upon me, and am sensible of my incapacity to preside over your deliberations with the ability necessary for such an occasion. I know I shall receive, in the discharge of the duties assigned me, your cordial support. I cherish the hope that our labors will redound to the general good of our own State, and to the promotion of the great interests of the whole country. And, although it is true that sorrow and gloom have filled the whole land, and the smoke of war gone up to the heavens from burning habitations and desolated districts, and every household been draped in mourning, yet I trust that our children and their children may look back to the hour of the assembling of this Convention, and bless it, as one of the happiest and most auspicious in the history of our country.

I hope that our labors will enable Texas to hold up her head once more, and take that proud position among the States of the American Union to which she is unquestionably entitled; that peace, prosperity and happiness, and a fraternal feeling, may be restored, not only to us, but throughout our common country.

I thank you, gentlemen, for your kindness and attention.

The Convention then proceeded to the election of Secretary.

Mr. Hancock nominated W. L. Chalmers. Mr. Jones of Bastrop nominated J. B. Morris, and Mr. Henderson nominated A. Falkener.

The body then proceeded to ballot; when it appeared that Chalmers had received 32 votes, Falkener 20, and Morris 15 votes.

No one having received a majority of all the votes cast, the body proceeded to a second ballot; which resulted in Chalmers receiving 33 votes, Morris 14 votes, and Falkener 22 votes.

No one having received a majority of all the votes cast, and the name of J. B. Morris being withdrawn, the Convention proceeded to a third ballot; which resulted in Chalmers receiving 48 votes, and Falkener 21 votes.

Mr. Chalmers, having received a majority, was declared by the President duly elected Secretary of the Convention.

The Convention then proceeded to the election of a Sergeant-at-Arms.

The names of Messrs. Burleson, Cassidy, Stanley, Raven, R. A. Smith and Burdett being placed in nomination, upon telling the vote, it appeared that Burleson had received 36 votes, Cassidy 6, Stanley 6, Smith 14, Burdett 1, Flournoy 1.

Mr. Burleson, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

The Convention, upon the motion of Mr. Henderson, proceeded to the election of Door-Keeper.

Nominations being in order, Mr. Dalrymple nominated Levi Pennington. Mr. Middleton nominated Joseph Mangum. Mr. Parsons nominated R. H. Clements. Mr. Taylor of Fannin nominated S. M. Flournoy. Mr. Henderson nominated A. J. Harrell. Mr. Jones of Bexar nominated M. W. Wagner.

The Convention then proceeded to ballot, with the following result: Mangum received 7 votes, Clements 4, Pennington 13, Flournoy 23, Wagner 3, Harrell 11, Haralson 1.

No one having received a majority, the Convention proceeded to a second ballot, with the following result: Mangum received 5 votes, Clements 3, Pennington 8, Flournoy 41, Wagner 1, Harrell 5, Haralson 1.

Mr. Flournoy, having received a majority of all the votes cast, was declared duly elected.

Mr. ———— offered the following resolution:

Resolved, That Editors and Reporters be admitted to seats within the body of the House.

Adopted.

The Convention then adjourned until 10 o'clock to-morrow morning.

FRIDAY, February 9th, 1866.

Convention met, pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Messrs. Dickson and W. S. Thomas, of Grimes, A. J. Johnson, of Titus, Bryan, of Liberty, Wilson, of Tyler, and Hunt, of Austin, members elect, presented their credentials and took their seats.

Mr. Henderson offered the following resolution:

Resolved, That the Convention now proceed to the election of a First and Second Assistant Secretary, Enrolling and Engrossing Clerk, and Assistant Sergeant-at-Arms.

Adopted.

The House then proceeded to the election of a First Assistant Secretary.

Nominations being in order, Mr. Randolph nominated Mr. J. G. Wheeler, of Fayette county, and Mr. Hancock nominated Mr. W. M. Gilleland, of Travis county.

Messrs. Parsons and Hancock were appointed Tellers.

The House proceeded to ballot, with the following results:

Mr. Wheeler received 42 votes, and Mr. Gilleland 28 votes.

Mr. Wheeler, having received a majority of all the votes cast, was declared duly elected First Assistant Secretary.

Mr. Smith, of Colorado, presented the credentials of Mr. McCormack, member elect from Brazoria and Galveston, who took his seat.

Nominations for Second Assistant Secretary being next in order, Mr. Henderson nominated Mr. J. H. Herndon, of Travis; Mr. Hancock nominated Mr. George J. Durham, of Travis; Mr. Frazier nominated Mr. J. V. Hutchins, of Travis.

On telling the ballot, it appeared that Mr. Herndon had received 11 votes, Mr. Durham received 30 votes, and Mr. Hutchins received 33 votes.

There being no election, the House proceeded to a second ballot.

Mr. Henderson withdrew the name of Mr. Herndon.

On the second ballot, Mr. Durham received 30 votes, and Mr. Hutchins received 42 votes.

Mr. Hutchins having received a majority of all the votes cast, was declared duly elected Second Assistant Secretary.

Mr. Waul presented the credentials of Mr. P. C. Wood, of Hays county, and Mr. Paschal presented those of Mr. B. R. Tyus and Mr. B. G. Shields, of Limestone county, who took their seats.

The election for an Engrossing and Enrolling Clerk being next in order, Mr. Jones, of Bastrop, nominated Mr. Rhodes Fisher; Mr. Saunders nominated Mr. Wm. Homan, and Mr. Taylor, of Fannin, nominated Mr. Flournoy.

Mr. Mabry moved to reconsider the vote adopting so much of Mr. Henderson's amendment as relates to the election of Enrolling and Engrossing Clerk. Lost.

On ballot, Mr. Fisher received 51 votes, Mr. Homan 8 votes, Mr. Flournoy 10 votes, and Mr. Gilleland 4 votes.

Mr. Fisher, having received a majority of the whole, was declared elected Enrolling and Engrossing Clerk.

The election for Assistant Sergeant-at-Arms being next in order, Mr. Norton nominated Mr. Raymond; Mr. Paschal nominated Mr. Cassidy; Mr. Shepard nominated Mr. Thompson; Mr. Whitfield nominated Mr. Clare; Mr. Record nominated Mr. Burdett; Mr. Roberts nominated Mr. Stubblefield; Mr. Taylor of Fannin nominated Mr. Robertson; Mr. Gurley nominated Mr. Davis.

On ballot, Mr. Cassidy received 13 votes, Mr. Thompson 5 votes, Mr. Raymond 14 votes, Mr. Clare 3 votes, Mr. Burdett 14 votes, Mr. Stubblefield 16 votes, Mr. Robertson 4 votes, and Mr. Davis 8 votes.

There being no election, the House proceeded to a second ballot; when Mr. Cassidy received 17 votes, Mr. Thompson 6 votes, Mr. Raymond 14 votes, Mr. Clare 1 vote, Mr. Burdett 13 votes, Mr. Stubblefield 21 votes, Mr. Robertson 1 vote, and Mr. Davis 4 votes.

There being no election, the House proceeded to a third ballot; when Mr. Raymond received 5 votes, Mr. Cassidy 21 votes, Mr. Thompson 3 votes, Mr. Burdett 18 votes, Mr. Stubblefield 25 votes, and Mr. Davis 1 vote.

There being no election, the House proceeded to a fourth ballot, with the following result: Mr. Cassidy 29 votes, Mr. Burdett 21 votes, and Mr. Stubblefield 26 votes.

There being no election, the House proceeded to a fifth ballot; when Mr. Burdett received 17 votes, Mr. Cassidy 32 votes, and Mr. Stubblefield 26 votes.

There being no election, the House proceeded to a sixth ballot. Mr. Record withdrew Mr. Burdett's name. On ballot, Mr. Cassidy received 30 votes, and Mr. Stubblefield 42 votes.

Mr. Stubblefield, having received a majority of all the votes, was declared Assistant Sergeant-at-Arms.

Mr. Paschal offered the following:

Resolved, That a committee of five be appointed by the President, to wait on His Excellency the Provisional Governor, and inform him that the Convention has been organized by the election of the Hon. J. W. Throckmorton, President, and W. L. Chalmers, Secretary, and that they are now ready to take the Constitutional Oath, and to receive any communication he may think proper to make to this body.

Made the special order for 3 o'clock, P. M.

Mr. Frazier moved to adjourn until 3 o'clock, P. M.

Lost.

Mr. Norton offered the following resolution:

Resolved, That the President appoint the following Standing Committees:

1. On the Condition of the State;
2. On the Executive Department;
3. On the Legislative Department;
4. On the Judiciary;
5. On the General Provisions of the Constitution;
6. On Privileges and Elections;
7. On Printing and Contingent Expenses.

The Committees to consist of thirteen members each, except that on Printihg and Contingent Expenses, which shall consist of seven.

Laid on the table for the present.

Mr. Armstrong offered the following:

Resolved, That the Secretary of this Convention be instructed to procure one hundred copies of the Rules adopted on yesterday for the government of this Convention, and to furnish a copy thereof to each member of this Convention.

Lost.

Mr. Mabry offered the following:

Resolved, That the Sergeant-at-Arms and Doorkeeper be and are hereby required to furnish the House with fires, water, stationery, and such other things as are necessary for the use of the Convention, and to take charge of the Hall and care of the furniture therein.

On motion, the Convention adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

House met. Roll called; quorum present.

Mr. Paschal's resolution, being the special order, was taken up and read.

Mr. Paschal moved a call of the House.

Carried.

On motion, the call was suspended.

Mr. Roberts offered the following, as a substitute for Mr. Paschal's resolution:

Resolved, That a committee of five members be appointed by the President of the Convention, to wait on His Excellency Gov. Hamilton, and inform him that the Convention has been duly organized, and would be pleased to receive any communication which it may be his pleasure to offer.

Withdrawn.

Mr. Hancock moved to amend the resolution by striking out the words Constitutional Oath, and inserting, "to take the Amnesty Oath prescribed by the President's proclamation, if there be any members of this Convention who have not already taken said oath."

Mr. Slaughter, member elect from San Augustine, presented his credentials, and took his seat.

Mr. Paschal moved to amend the amendment by striking out all after the word proclamation.

Mr. Johnson of Tarrant moved to lay the amendment on the table; whereupon the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. President, Armstrong, Benge, Bumpass, Camp of Goliad, Davis of Webb, Degener, Drake, Flanagan, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsay, Mabry, McCormack, Murchison, Parker, Paschal, Saunders, Shuford, Smith of Colorado, Smith of Lamar, Shields, Taylor of Fannin, Thomas, Varnell, Woods and Young—35.

Nays—Messrs. Allen, Ball, Beall, Boyd, Bryan, Bradshaw, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Frazier, Giddings, Gurley, Halbert, Hancock, Howard, Henderson, Ireland, Middleton, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnells, Saufley, Shepard, Spaight, Slaughter, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—44.

The question recurring on the adoption of Mr. Paschal's amendment, the same was put. The Yeas and Nays were called, and stood thus:

Yeas—Messrs. President, Armstrong, Benge, Boyd, Bumpass, Camp of Goliad, Davis of Cherokee, Davis of Webb, Degener, Dickson, Drake, Flanagan, Frazier, Halbert, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Parker, Paschal, Saunders, Shuford, Smith of Colorado, Smith of Lamar, Shields, Taylor of Fannin, Varnell, Waul, Whitfield, Woods, and Young—39.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Camp of Upshur, Clements, Dalrymple, Giddings. Gurley, Hancock, Hunt, Howard, Henderson, Ireland, Lindsey, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Selman, Spaight, Slaughter, Taylor of Houston, Thomas, Thompson, Tyus, Walker, and Wilson—41.

Mr. Hancock's amendment to the resolution was adopted.

The resolution as amended was adopted.

Whereupon, the President appointed Messrs. Paschal, Dickson, Latimer, Gurley, and McCormack, a committee to wait on the Governor, in conformity to the resolution.

Mr. Ireland offered the following resolution:

Resolved, That the Convention do now proceed to the election of a Reporter.

Adopted.

On motion, the House adjourned until 10 o'clock, A. M., tomorrow, pending the election of a Reporter.

SATURDAY, February 10th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read, amended and adopted.

Mr. Taylor, of Fannin, presented the credentials of Mr. Hardin Hart, delegate elect from Hunt county, who took his seat.

Mr. Hancock moved a re-consideration of the vote adopting the amendment to Mr. Paschal's resolution yesterday. The yeas and nays being called for, stood thus:

Yeas—Messrs. President, Allen, Anderson, Armstrong, Beall, Benge, Boyd, Bryan, Bumpass, Camp, of Goliad, Camp, of Upshur, Clements, Dalrymple, Davis, of Webb, Davis, of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Hart, Harwood, Henderson, Hill, Hunt, Hurt, Johnson, of Tarrant, Johnson, of Titus, Jones, of Bastrop, Jones, of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Paschal, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shields, Shuford, Slaughter, Smith, of Colorado, Smith, of Lamar, Spaight, Taylor, of Fannin, Taylor, of Houston, Thomas, of Cameron, Thomas, of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods, and Young—70.

Nays—Messrs. Ball, Bradshaw, Giddings, Ireland, Parsons, Perry, Porter, Runnels, Selman, Shepard, and Wilson—11.

Mr. Paschal offered the following resolution:

Resolved, That ———————— do now proceed to administer to each member of this Convention the oath to support the Constitution of the United States.

Mr. Hancock moved to fill up the blank with the name of Judge Evarts; and the resolution was adopted as amended.

Mr. Henderson moved that the oath be administered to the members on their feet, in a body, by Judge G. A. Evarts.

Adopted.

Judge Evarts administered the oath to the following Delegates:

Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Boyd, Bryan, Bradshaw, Bumpass, Camp, of Goliad, Camp, of Upshur, Clements, Dalrymple, Davis, of Webb, Davis, of Cherokee, Degener, Dickson, Drake, Flanagan, Frazer, Giddings, Gurley, Halbert, Hancock, Harwood, Henderson, Hill, Hurt, Ireland, Johnson, of Tarrant, Johnson, of Titus, Jones, of Bastrop, Jones, of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shepard, Shields, Shuford, Slaughter, Smith, of Colorado, Smith, of Lamar, Spaight, Taylor, of Fannin, Taylor, of Houston, Thomas, of Grimes, Thomas, of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfiield, Wilson, Woods, and Young.

Mr. Dickson offered the following resolution:

Resolved, That the seats in the Hall of the Convention be numbered and drawn for, under the direction of the President, at 3 o'clock, P. M., to-day.

Yeas and nays being called for, resulted as follows:

Yeas—Messrs. President, Anderson, Ball, Beall, Benge, Boyd, Bryan, Camp, of Goliad, Camp, of Upshur, Davis, of Webb, Dickson, Giddings, Gurley, Halbert, Hancock, Johnson, of Tarrant, Johnson, of Titus, Jones, of Bastrop, Jones, of Bexar, Mabry, McCormack, Murchison, Parker, Phillips, Reeves, Richardson, Ranck, Saunders, Shields, Slaughter, Smith, Spaight, Thomas, of Cameron, Thomas, of Grimes, Tyus, Varnell, Walker, Whitfield, and Wilson—39.

Nays—Messrs. Allen, Armstrong, Bradshaw, Bumpass, Clements, Dalrymple, Davis, of Cherokee, Degener, Drake, Flanagan, Frazier, Hart, Harwood, Henderson, Hill, Hunt, Hurt, Ireland, Lane, Ledbetter, Middleton, Nelson, Norton, Parsons, Paschal, Perry, Porter, Record, Runnels, Saufley, Shuford, Smith, of Lamar, Taylor, of Fannin, Taylor, of Houston, Thompson, Waul, Woods, and Young—38.

Adopted.

Mr. Paschal offered the following resolution:

Resolved, That a committee of five members be appointed by the President to call on the Provisional Governor, and inform him that the Convention is now fully organized, and ready to receive any message or communication from him.

Adopted.

The President announced the committee appointed for that purpose yesterday to wait on the Governor.

Mr. Jones, of Bexar, presented the credentials of Mr. Ranck, delegate from Mason county, who took the oath and his seat in the Hall.

Mr. Paschal, chairman of committee appointed to wait on the Governor, reported that the Committee had waited on Gov. Hamilton, who informed them that he would send in his message to the Convention in one hour.

The election for a Reporter, being in order, was taken up.

Mr. Giddings nominated Prof. E. B. Smith, of Soule University, Washington county. There being no other nominations, on motion of Mr. Whitfield, Mr. Smith was elected Reporter of the Convention by acclamation, and so declared by the President.

Mr. Norton's resolution relative to appointing Standing Committees was again taken up.

Mr. Henderson moved to amend by adding a Committee on Education, a Committee on Public Lands, and a Committee on Internal Improvements.

Adopted.

Mr. Waul moved to add a Committee on Finance.

Adopted.

On motion, a committee on Indian Affairs was also added.

Mr. Taylor, of Fannin, moved to strike out the number thirteen, and leave the number discretionary with the President.

Lost.

Mr. Frazier offered the following as a substitute for the fifth resolution:

Resolved, That we, the Delegates of the inhabitants of Texas, do now proceed to ordain a Constitution erecting the State of

Texas, furnishing said inhabitants a republican form of Government, in accordance with the Constitution of the United States of America.

Lost.

The following message was received from his Excellency, Gov. Hamilton:

EXECUTIVE OFFICE,
Austin, February 10th, 1866.

Gentlemen of the Convention:

Having been informed, by a committee of your honorable body, of your organization and readiness to proceed to the business for which you have been convened, and to receive any communication which I may think proper to make, I feel it to be my duty to state to you, frankly, and as briefly as possible, my views upon the important subjects which will most probably engage your attention.

I received my appointment, as Provisional Governor of Texas, from the President of the United States, on the 17th day of June, Anno Domini, 1865. In his proclamation of that date, conferring the appointment, the President made it my duty, "at the earliest practicable period, to prescribe such rules and regulations as might be necessary and proper for convening a Convention, to be composed of Delegates to be chosen by that portion of the people of Texas who are loyal to the United States, and no others, for the purpose of altering or amending the Constitution thereof;" and vesting in me "authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of Texas to restore said State to its constitutional relations to the Federal Government, &c., &c., *provided,* that in any election that may be hereafter held for choosing Delegates to any State Convention, as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such Convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's proclamation of May 29th, 1865, and is a voter, qualified as prescribed by the Constitution and laws of the State of Texas, in force immediately before the 1st day of February, 1861."

The President's Amnesty Proclamation, of the 29th of May, made it the duty of the Secretary of State of the United States to prescribe rules and regulations for administering and recording the amnesty oath, so as to insure its benefits to the people, and guard the Government against fraud.

On the day of the issuance of the President's proclamation, Mr. Seward issued a circular, from the Department of State, in which he directed that "the oath prescribed in the President's proclamation may be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or any civil or military officer of a loyal State or Territory, who, by the laws thereof, may be qualified for administering oaths."

From this it will be seen that according to a strict construction of the rules prescribed by the Secretary of State, none but a commissioned officer, civil, military, or naval, in the service of the United States, or a civil or military officer of a loyal State or Territory, qualified, by the laws thereof, for administering oaths, could properly administer the oath of amnesty and make return thereof. If I had acted upon this rule, as prescribed by the Secretary of State, large numbers of the people of Texas would have been unable to avail themselves of the clemency of the President, and thus qualify themselves to vote for Delegates to a Convention, within any reasonable time. Owing to the immense extent of our inhabited territory, many persons would have been obliged to travel great distances to find an officer competent to administer the oath of amnesty. Under these circumstances I determined to act in the spirit, rather than in strict accordance with the letter of my instructions. I ventured upon the plan of organizing a Board, in each county in the State, so constituted as to justify the expectation of firm and impartial action, for the purpose of administering the oath of amnesty to the people, at the least possible expense and inconvenience.

I knew well the beneficent purpose of the President, and his anxiety that the people should qualify themselves, as speedily as possible, to vote for Delegates to a Convention. I trusted confidently to the justice and liberality of the President to approve of a departure from instructions, for the purpose of carrying into effect his policy; and I hoped that a measure intended to promote the interest and convenience of the people, would be appreciated, and received in a spirit of commendation instead of complaint.

I have reason to believe that some persons who are entitled to respectful consideration are of opinion that I transcended the powers vested in me by the President, when I authorized the Boards of Registration, established in the different counties, to determine what persons were entitled, because of their loyalty to the Government of the United States, to be registered as voters; and also when I assumed, in my proclamation of the 15th of November last, that persons who are within any of the exceptions to the President's Amnesty Proclamation, and who have not received a special pardon, were not eligible as Delegates to this Convention.

I think it proper, therefore, that I should briefly state my views upon these points. It is contended by some, as I am informed, that the President, himself, fixed the qualifications of voters, by the proviso contained in the second paragraph of his proclamation conferring on me the appointment of Provisional Governor I understand that proviso to be nothing more than a limitation of the power granted to me to prescribe rules and regulations for convening a Convention, composed of Delegates to be chosen by that portion of the people who are loyal to the United States. By that proviso the President placed it out of my power to prescribe rules that would permit any one to vote who had not taken the amnesty oath, and who did not possess the other qualifications prescribed for voters, by the Constitution and laws in force in this State immediately before the date of the ordinance of secession. The proviso was not intended to fix a rule for the benefit of the people. It was intended to fix a rule for me, in the nature of a limitation upon my powers, and for the purpose of guarding against weak and inconsiderate action on my part. In my judgment, it is a great mistake to assume that a man is to be considered loyal because he has taken the oath of amnesty. The President grants amnesty to the great body of the people, upon the condition that they shall take the oath prescribed, *and thenceforward keep and maintain said oath inviolate.* He does not act upon the supposition that every man who shall take the oath will thereby become loyal. He grants amnesty to the mass of those who have been in rebellion, because to show mercy is a part of the wise, magnanimous and parental policy of the Government, of which he is the head; and continuing promises to support and defend the Constitution, and the Union of the States, and to abide by and support the laws and proclamations which have been made during the rebellion, with reference to the emancipation of slaves, are exacted, that the clemency of the Government may not appear to be prostituted to dangerous and unworthy uses.

If it had been the intention of the President to permit all persons to vote for Delegates to a Convention, who had taken the amnesty oath, and who possessed the qualifications prescribed for voters, by the Constitution and laws in force in 1860, he would simply have made it my duty to convene a Convention to be composed of Delegates chosen by such people. There would, in that case, have been no propriety in laying stress upon the intent that none but loyal persons should be permitted to exercise the privilege of voting for Delegates. I am clear in my opinion that it was my duty to adopt the best means practicable to ascertain the loyal persons, to whom the privilege of voting could safely be entrusted; and that no one was entitled to exercise that privilege, who was not registered in accordance with the provisions of my proclamation of the 19th of August last.

I am equally clear upon the other point, that those who are within any of the exceptions to the general amnesty offered by the President in his proclamation of 29th of May, 1865, and who have not received special pardon, are not qualified to sit as members of your honorable body. I would not have so declared in my proclamation of the 15th of November, ordering the election of Delegates, if I had not felt it to be my duty to do so.

The oath prescribed in the President's proclamation of the 29th of May, of last year, is aptly called "the oath of amnesty," because it secured amnesty to all for whom it was intended. The President says: "I hereby grant to all persons who have directly or indirectly participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon," &c., &c. He afterwards specifies the classes of persons who are declared to be "excepted from the benefits of this proclamation." The amnesty oath is then intended only for those persons who are not excepted from the benefits of the proclamation. Suppose a person who is within one of the exceptions to the proclamation to take the oath prescribed therein. What benefit results to him from taking the oath? It is not, so far as he is concerned, an oath of amnesty to him. For such a person to take this oath would be an idle and unmeaning ceremony, were it not that the Attorney General of the United States, in a circular issued from his office on the 7th of June of last year, gave notice, by the direction of the President, that before application for pardon by persons belonging to the excepted classes enumerated in the President's Amnesty Proclamation of May 29th, 1865, would be considered, it must be shown that they have respectively taken and subscribed the oath (or affirmation) in said proclamation prescribed. It is only as the basis of an application to the President for pardon, that the taking of the oath prescribed in the amnesty proclamation, by any person belonging to any of the excepted classes enumerated in that proclamation, has any significance. If a person belonging to any of the excepted classes has taken the oath, and shall not make application to the President for pardon, he has done an unmeaning thing. His condition, in the estimation of the laws of the country, is wholly unchanged.

I will not affect to be ignorant that there are some gentlemen in the Convention who are within the exceptions to the amnesty proclamation, and who have not obtained the pardon of the President. I regret that this is so. It is due to myself to say, that I have not alluded to this subject out of any want of personal respect for those gentlemen. I did what I believed to be my duty when I declared, in my proclamation of the 15th of November, that such persons were not eligible as delegates to the Convention. I allude to the subject now only for the purpose of explaining the views upon which I then acted. To pardon is the prerogative of the President. I am but his agent; and I have not felt at liberty to trench upon this high privilege. I have not enjoyed the advantage of frequent communication with the President, and I have therefore been obliged to act, for the most part, upon my own judgment, respecting the duties which have been imposed upon me, and the powers with which I am invested.

I am aware that I have been censured by many persons because I did not order an election for delegates to a Convention at an earlier day. It has been said that I ought to have caused a Convention to assemble as early as September of last year. This complaint is of a piece with that unreasoning criticism which assails every act (and especially every act of mine) which is not done in the interest, or in accordance with the views of those who precipitated the country into an unnecessary war, and brought mourning and desolation to the homes of the South. I arrived at the city of Austin in the early part of the month of August. If I had ordered an election for delegates to a Convention to take place in the month of September, how many of the people of Texas could have been qualified to vote at such an election? Delay was unavoidable, in order to ascertain who were entitled to vote. I ordered the election as soon as I had reason to believe that a majority of the people of the State were registered as voters, and as soon as money could be provided to defray the expenses of a Convention. I am, however, free to say, that when I arrived in Texas, in July last, I did not believe that the public mind of the State was prepared for the immediate call of a Convention, even if such call had been, in other respects practicable. Conventions were already called in some of the Southern States, with an evident purpose to obtain representation in Congress at the beginning of its present session. I did not believe that this purpose would be accomplished; and I felt that Texas might profit by the delay to which her people would be unavoidably subjected, if the march of events, and the developments which must necessarily result from the action of other States, should be thoughtfully observed. The last few months have been fruitful of events which deserve to be weighed and considered well by all who desire to see the country restored to that tranquillity which it once enjoyed, and upon which its prosperity depends.

From the impatience manifested by the press of the State at the unavoidable delay in calling a Convention, I had reason to hope that the great body of the people who had qualified themselves to vote would participate in the election. Surely the magnitude of the interests to be committed to your charge, together with the bitter experience resulting from the action of a minority Convention in the past, were sufficient to justify the expectation that the acts of this body would carry with them all the weight and sanction which ought, of right, to belong to the conclusions of representatives, chosen by a majority of the people. I would be wanting in candor if I did not declare that the apathy manifested by the people in the recent election fills me with deep concern. From the returns made to the Department of State, and the reports that have reached me from various portions of the State, there is reason to believe that less than half of the registered voters of the State participated in the election. This fact cannot, of course, impair the power of the Convention to proceed in the discharge of the high trust committed to it, but will, perhaps, in your estimation, as it does in mine, furnish a weighty reason why the result of your deliberations should be submitted to the people, for their ratification or rejection.

To what extent it is expected by the people, or may be thought proper by you, to remodel the Constitution of the State, I do not know. No one, however, can doubt that it is expected by the President, the Congress, and the people of the United States, that such changes will be made in the organic law of this State, as will make it conform, in its spirit and principles, to the actual changes that attended the progress of the late war, and followed the overthrow of the rebellion. There can be no doubt that it is expected by the country that you will embrace within the scope of your action, a clear and explicit denial, in such form as may seem to you to be proper, of the right of Texas to secede or withdraw from the Federal Union: a right assumed by an unauthorized and revolutionary body of men in 1861, sitting in this Hall: a right then invoked to justify rebellion against the free and parental government instituted by the patriot sires of '76, and justly esteemed as the best hope of freedom in the world. It cannot be thought unreasonable that the people of the United States should desire a formal and solemn recantation of a political heresy so dangerous to their peace and liberties. It may be said that no act of this, or any other body of men in this State, can destroy the right, if it exists, or settle the question in any authoritative manner; and this may be urged as a reason for declining to take action upon it. It may be well to bear in mind that the people of the United States are not looking to this body for a settlement of this question. The question was transferred, by the action of the Southern people, from the tribunal of reason to the field of battle, and has been settled there, by a series of events, the memory of which is likely to endure as long as the American name itself. The country now looks to this body for evidence of an acquiescence in that settlement, as it has been made, and for such further action as will bind the people of Texas, in the most solemn manner, to make that acquiescence perpetual. Too much has been predicated upon the doctrine of the right of secession, too much dared and done by the people of the South to maintain it, to justify the people of the United States in accepting silence on our part as an admission of error. They are not likely to be so credulous: and if they were disposed to be so, the utterances of some of the leading presses of the State, during the past three months, would enlighten them.

The rebellion lately maintained against the government of the United States was declared, by those who organized it, to be for the protection of the institution of slavery, which was alleged to be in danger of extinction from the action of that government. And from the inception of the war, all thoughtful and sagacious men perceived that the main issue involved in the contest was the overthrow of the government or the overthrow of slavery. I should be false to what I believe to be the clearest truth, if I did not say that the issue was tendered by the people of the South. The government of the United States accepted the issue. The battle has been fought: amongst the most memorable certainly in the annals of mankind. Slavery has fallen, never to rise again on this continent, unless, in the providence of God, another night shall settle upon this western world, like that which followed the downfall of the Roman power, in which both liberty and civilization shall be lost.

It is not now necessary to controvert the opinions of those who maintained that the proclamation of the President of the United States, declaring the freedom of the slaves of the South, was but a military order, which was no longer operative after the cessation of actual hostilities. The wise and beneficent spirit of that proclamation has, by the voice of the American people, assumed the form of Constitutional law. It is now the supreme law of the land that slavery, or involuntary servitude, except for crime, whereof the party shall have been duly convicted, shall not exist in any State or Territory of the Union. I doubt not that you will concur with me that this radical change in the condition of those persons in our State who were formerly in slavery ought to be fully recognized in the Constitution, and their new condition provided for. It is, of course, not now *necessary* to incorporate in the Constitution of the State a provision against the future existence of slavery in Texas, since, by virtue of the amended Constitution of the United States, it cannot exist here. But it may nevertheless be eminently proper for you to manifest, in some unmistakable manner, if not your approbation of the great act of the nation, at least your cheerful acquiescence in it.

The debt created by those who were in authority in Texas during the rebellion, in support of the war against the government of the United States, is not, in my judgment, such an obligation upon the people of Texas as will find favor with any loyal citizen, or with the government and people of the United States. To provide for the payment of this debt would be equivalent to a justification of the purposes for which it was created. There is one thought, in this connection, which I think it proper to present. Even if the feelings of the people of Texas inclined them to provide for the payment of this debt, which I would fain believe to be far from the truth, it would not be just to impose such a burthen upon loyal citizens from other sections of the Union, which have not been in rebellion, who may come to settle amongst us, or upon emigrants from foreign countries, who may be attracted, by the advantages which present themselves, to seek homes within our borders.

I am of opinion that a failure to guard the people, by an appropriate provision, against taxation for the payment of this debt, would be unsatisfactory to them, and justly offensive to the government of the United States. It may be difficult to ascertain accurately that portion of the public debt of the State which was incurred in support of the war. I have reason to believe that more than three-fourths of the indebtedness which has accrued since the commencement of the war was created in its support. As a means of facilitating your investigations upon this subject, I respectfully refer you to the report of Ex-Gov. E. M. Pease, and Swante Palm, Esquire, copies of which will be furnished to your honorable body.

In this connection I feel it to be my duty to remind you that land scrip to a considerable amount was purchased during the progress of the late rebellion, and paid for in the paper money issued by the government of the Confederate States. Perhaps, in some instances, these payments for land scrip were made in Treasury warrants of the State.

Payments were also made, during the rebellion, in Confederate money, for portions of the University lands, sold under a law of the State, enacted before the passage of the ordinance of secession. The Commissioner of the Land Office and the Comptroller of Public Accounts can furnish such information on these subjects as may be desired by your honorable body.

The most important questions, gentlemen, to which you will be required, by the peculiar circumstances in which we are placed, to direct your attention, grow out of the emancipation of those who were formerly in a state of bondage, and who still remain in our midst. Our former slaves are declared by the Constitution of the United States to be free. Shall we treat that declaration as a mere form of words, or shall we receive it as a living truth? Shall we repose upon the postulate that the act of emancipation is only a wrong done to us, or shall we question honestly with ourselves concerning its significance? It seems to me that the events of the past five years should abate, somewhat, our pride of opinion. We have seen a war, inaugurated for the perpetuation of slavery, result in the declaration, by the most powerful of the nations of the earth, that it shall no longer exist. Let us not deceive ourselves by the supposition that the nation will fail to make that declaration good, or to redeem, fully, the high obligations which it has assumed in this behalf, before the civilized world.

In my judgment, there could not be devised a more successful mode of procrastinating our return to our original position in the Union, than to deny to the freedmen, in our midst, those civil rights and privileges, without which, to call them free would be only "to keep the word of promise to the ear, and break it to the hope."

I cannot assume to know the individual views of the gentlemen who compose this body; but I have reason to apprehend, from what has met my eye, in the form of published circulars to the people, before whom many of you were candidates, and leading articles in many of the most influential presses of the State, that my views on this subject will not be acceptable to a majority of the members of this Convention. But I feel that the present is not a time for any true man, least of all for one placed in a highly responsible position, to dissemble his honest convictions and opinions, out of any unmanly apprehension that his views will not accord with the immature and timid judgment of those who are yet wedded to the prejudices of the past.

It is a favorite phrase of many, that "this is a white man's Government," and it is declared to be the main duty of those who represent the people, at the present time, to take care that it shall continue to be so. I thank God that this is a white man's Government, and I humbly trust that the time will never come when it shall cease to be so. But if, by the declaration that this is a white man's Government, it is meant that the black man is to be excluded from its benefits, and forever wholly debarred from the exercise of political privileges under it, then I most respectfully take issue with the proposition, as matter of fact, and with the views of those by whom it is maintained. Black men do now enjoy, and have long enjoyed, the exercise of political privileges, as well as of civil rights, under the Government of the United States. The election of a President of the United States might, by possibility, be determined by the votes of black men, in the great State of New York. Is it then a matter of fact that this Government is not the Government of the black man as well as of the white? And if, in the past, black men have enjoyed civil rights, and been admitted to the exercise of political privileges under the Government of the United States, is it likely that the act of emancipation, which is regarded by a majority of the nation as a great and glorious event in the history of the human race, will not be followed, in due time, by the enlargement of the rights and privileges of the people who are declared to be enfranchised?

In my judgment, gentlemen, it is the part of wisdom to provide in the organic law of the State, that the freedmen in our midst shall enjoy civil rights, on an equality with the white population of the State. By civil rights I mean the right to sue in the courts of the country, and to testify under the same rules that apply to the admissibility of the testimony of white persons; to acquire and hold property, real and personal, and to be placed upon an equality with white men in respect to the punishment of crimes.

More than this, I believe it would be unwise to exclude the freedmen in our midst from the exercise of political privileges, by making the enjoyment of these privileges to depend upon the accident of birth or color. I wish to be perfectly frank in the statement of my views, but I do not wish to be misunderstood. I do not believe that the great mass of the freedmen in our midst are qualified by their intelligence to exercise the right of suffrage, and I do not desire to see this privilege conferred upon them. But I think that progress is the great law of mind, under every free government, and I do not believe that any policy can be enduring or permanent in this country which is based upon accidental circumstances and the "traditions of prejudice," instead of being founded upon the eternal principles of truth and justice. If we fail to take our stand now upon principle—if we fail to make political privileges depend upon rules of universal application, we will inevitably be betrayed into the error of legislating under the influence of ancient prejudices, and with a view only to the present. I think that human wisdom cannot discern what is to be the future of the African race in this country. Let us not, therefore, arrogate to ourselves the attribute of Omniscience, and assume that the freedman will never attain to that measure of intelligence which will qualify him to exercise the privilege of voting for those who are to make the laws by which he will be governed.

I would not be willing to deprive any man, who is qualified under existing laws to vote, of the exercise of that privilege in the future. But I believe it would be wise to regulate the qualifications of those who are to become voters hereafter, by rules of universal application. I think it would be no difficult task to fix such qualifications for the exercise of the right of suffrage as would be satisfactory to the nation, and in no degree detrimental to the interests of the people of the State.

I feel, gentlemen, that I would be wanting in the full discharge of my duty on this occasion, if I did not warn you, and the people through you, of the evil results which may be expected to follow any system of legislation in the Southern States, intended to operate only upon the freedmen, and to keep them in a condition of necessary dependence upon their former masters, at the same time that their nominal freedom is acknowledged. Justice requires that the national government shall see to it that this now despised and degraded race shall be protected in the beneficial enjoyment of the great boon which has been accorded to them. Any system of laws, therefore, intended to deprive them of the actual fruits of liberty, will meet with resistance from the Congress of the United States. Such legislation in other States has already aroused the attention of the nation, and I feel assured that a repetition of it in Texas will but increase this jealous watchfulness. Even if such legislation could meet with toleration for the present, which is not to be expected, it would be but the beginning of another agitation, which would necessarily result in the triumph of the views of the majority of the nation. We are not without experience of the fruits of such agitation. The late unhappy war was but the culmination of a protracted effort on the part of a minority of the nation to impose their views upon the majority. I sincerely hope, gentlemen, that you will thoughtfully consider what is the path of duty and safety, and that your labors may be influential to restore peace and tranquillity to the country—not a hollow, unsubstantial peace, but a peace, real and fruitful, that may redound to the permanent glory of the nation.

Not knowing, gentlemen, how far you may think proper to make alterations in the present Constitution of the State, in relation to its general civil polity, I forbear to make suggestions which I might otherwise deem proper.

I beg you, gentlemen, to accept the assurance of my high respect for you personally, and of my cordial disposition to confer with you frankly during the continuance of your labors.

A. J. HAMILTON.

Mr. Bumpass offered the following resolution:

Resolved, That the present condition of this State demands that this Convention should alter or amend the present Constitution of the State only so far as is actually necessary to enable the State to resume its former friendly relations with the United States, as a member of the Federal Union, and no further.

Which, on motion, was referred to the Committee on the Condition of the State.

Mr. Hart moved that 1000 copies of the Governor's Message be printed for the use of the House.

Adopted.

Mr. Paschal moved to have 500 additional copies each printed in the German and Spanish languages.

Mr. Norton moved to amend by adding 500 copies in the Norwegian language.

Adopted.

Mr. Henderson moved to lay the motion, as amended, on the table.

The yeas and nays being called for, stood as follows:

Yeas—Messrs. Allen, Anderson, Beall, Benge, Boyd, Bryan, Bumpass, Camp, Clements, Dalrymple, Davis, of Cherokee, Dickson, Drake, Giddings, Gurley, Halbert, Harwood, Henderson, Hill, Hunt, Jones, of Bastrop, Lindsey, Mabry, Middleton, Nelson, Norris, Perry, Phillips, Randolph, Record, Roberts, Richardson, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor, of Houston, Tyus, Walker, Wilson, and Woods—43.

Nays—Messrs. President, Armstrong, Ball, Bradshaw, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hancock, Hart, Hurt, Ireland, Johnson, of Tarrant, Jones, of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Norton, Parker, Parsons, Paschal, Ranck, Reeves, Saunders, Shields, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thomas of Grimes, Thompson, Varnell, Waul, Whitfield, and Young—38.

On motion, the Convention adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

House met pursuant to adjournment. Roll called; quorum present.

In pursuance of Mr. Dickson's resolution, the members proceeded to cast lots for seats in the Hall, and to facilitate that purpose, the House, on motion of Mr. Hart, took a recess until the members could procure their respective seats.

The members being seated, the President called the House to order. Roll called; quorum present.

Mr. Davis, of Cherokee, presented the petition of James Shaw, which, on motion, was referred to the Committee on Elections.

Mr. Parsons offered the following resolution:

Resolved, That the President direct the Sergeant-at-Arms to make the necessary arrangements to have the mail matter of the members conveyed to and brought from the Post Office, and for paying the postage on the same.

Adopted.

The President announced Messrs. Jones, of Bexar, Murchison, Davis, of Cherokee, Camp, of Goliad, Perry, Shuford, and Nelson, as the Committee on Printing and Contingent Expenses.

Mr. Armstrong offered the following resolution:

Resolved, That the Committee on Public Printing be instructed to contract for the printing of 100 copies of the rules adopted by the Convention, and to furnish each member with a copy thereof. Adopted.

Mr. Norton offered the following resolution:

Resolved, That the Committee on Printing and Contingent Expenses be authorized to contract for ten copies of each of the papers of the City of Austin for each member, provided the proceedings of the Convention are published in the same.

Adopted.

Mr. Jones, of Bexar, offered the following resolution:

Resolved, That the Commissioner of the General Land Office be required to furnish this Convention with an abstract report, showing—

First—The number and amount of Land Certificates that have been issued from said office since the 3d of March, 1861, under what authority issued, and the amount and character of consideration received by the State for said certificates.

Second—What number of Patents, if any, have been issued on certificates issued since said 3d of March, 1861, and the character of the certificates.

Third—The dispositions that have been made of the University Lands, the payments that have been made on sales of the same, in what character of funds, when paid, and what amount is now due.

Fourth—The amount and condition of the County School Lands.

Adopted.

On motion, the Convention adjourned until 10 o'clock Monday morning, February 12th.

MONDAY, February 12th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of Saturday read, amended, and adopted.

Mr. Randolph offered the following resolution:

Resolved, That a Committee on Engrossed and Enrolled Ordinances be raised, in addition to those already named by this Convention.

Adopted.

Mr. Davis, of Webb, offered the following resolution:

Resolved, That no person who comes within the exceptions contained in the Proclamation of the President of the United States, (called the Amnesty Proclamation,) is entitled to a seat in this Convention, until pardoned by the President of said United States.

Mr. Henderson offered the following as a substitute:

Resolved, That the credentials of the members of this Convention be referred to the Committee on Privileges and Elections, with instructions to report forthwith if any member of this Convention comes within the prohibitions of the President's Proclamation.

On motion of Mr. Johnson, of Tarrant, the resolution and substitute were referred to the Committee on Elections.

Mr. Dalrymple offered the following resolution:

Resolved, That the Secretary be required to furnish to the Chairman of each Standing Committee one copy of Oldham and White's Digest, if the same can be procured at the State Department. Adopted.

The President announced to the Convention the following standing Committees:

Committee on Condition of the State—Norton, Chairman; Waul, Johnson of Titus, Clements, Taylor of Fannin, Parsons, Thomas of Cameron, Hunt, Jones of Bexar, Runnels, Stuart, Selman, Jones of Bastrop.

Committee on the Executive Department—Dickson, Chairman; Runnels, Hurt, Latimer, Perry, Spaight, Record, Smith of Lamar, Porter, Varnell, Anderson, Parker, Camp of Upshur.

Committee on the Legislative Department—Henderson, Chairman; Taylor of Fannin, Spaight, Slaughter, Allen, Ireland, Whitfield, Flanagan, Camp of Upshur, Hart, Beall, Degener, Shields.

Committee on the Judiciary—Roberts, Chairman; Reeves, Davis of Webb, Frazier, Smith of Colorado, Walker, Shepard, Record, Gurley, Phillips, Paschal, Hancock, Taylor of Houston.

Committeee on the General Provisions of the Constitution—Hancock, Chairman; Reeves, Randolph, Ledbetter, Armstrong, Bumpass, Wilson, Halbert, Shepard, Shields, Walker, Smith of Colorado, Drake.

Committee on Privileges and Elections—Jones of Bastrop, Chairman; Phillips, Hunt, Lane, Anderson, Davis of Cherokee, Giddings, Hill, Halbert, Bryan, Middleton, Porter, Mabry.

Committee on Printing and Contingent Expenses—Jones of Bexar, Chairman; Davis of Cherokee, Shuford, Murchison, Nelson, Camp of Goliad, Perry.

Committee on Education—Taylor of Houston, Chairman; Whitfield, McCormack, Beall, Frazier, Ireland, Slaughter, Thomas of Grimes, Johnson of Titus, Bryan, Thomas of Cameron, Degener, Armstrong.

Committee on Public Lands—Johnson of Tarrant, Chairman; Smyth of Newton, Allen, Clements, Hill, Lindsey, Norris, Saunders, Bradshaw, Hart, Hurt, Woods, McCormack.

Committee on Internal Improvements—Paschal, Chairman; Gentry, Parsons, Smith of Lamar, Giddings, Selman, Gurley, Varnell, Wilson, Ledbetter, Bradshaw, Saufley, Camp of Goliad.

Committee on Finance—Latimer, Chairman; Waul, Flanagan, Lane, Thomas of Grimes, Tyus, Mabry, Stuart, Parker, Bumpass, Harwood, Richardson, Davis of Webb.

Committee on Indian Affairs—Dalrymple, Chairman; Norris, Woods, Ball, Benge, Boyd, Ranck, Murchison, Tyus, Young, Thompson, Harwood, Lindsey.

Committee on Enrolled and Engrossed Ordinances—Randolph, Chairman; Ranck, Benge, Ball, Saufley, Drake Nelson, Richardson, Saunders, Shuford, Thompson, Boyd, Middleton.

Mr. Record offered the following resolution:

Resolved, That the Committee on the Judiciary inquire into the expediency of affording relief to parties who have been or may hereafter be sued upon debts payable in dollars and cents, when it was understood that the consideration was to be paid in Confederate money, by allowing the proof to determine the fact, and report by ordinance or otherwise.

Adopted.

Mr. Ireland offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to take into consideration the present condition of the records, papers, library, and furniture of the Supreme Court, and that they report at the earliest practicable period what action, if any, this Convention should take in the premises.

Adopted.

On motion of Mr. Bumpass, the report of Ex-Governor Pease and S. Palm, Esq., on the Public Debt, was ordered to be procured by the President.

Mr. Armstrong moved to adjourn until 10 o'clock to-morrow morning. Lost.

Mr. Frazier offered the following resolution:

Resolved, That the Committee on the Judiciary take under consideration and report upon the propriety of establishing a separate Criminal Court.

Adopted.

Mr. Hancock offered the following resolution:

Resolved, That the Sergeant-at-Arms provide suitable rooms for the accommodation of the respective committees, and assign the same to said committees.

Adopted.

Mr. Wilson offered the following resolution:

Resolved, That the Committee on the Condition of the State take into consideration the propriety of an ordinance extending relief to debtors upon debts existing prior to the war, and to report by ordinance or otherwise.

Adopted.

Mr. Henderson moved that the Governor's Message be referred to the appropriate committees. Carried.

On motion, the Convention adjourned until to-morrow morning at 10 o'clock.

TUESDAY, February 13th, 1866.

Convention met pursuant to adjournment; roll called; quorum present; journal of yesterday read and adopted.

Reports of Committees being in order, Mr. Jones of Bastrop, Chairman of the Committee on Privileges and Elections, presented the following reports and resolutions:

COMMITTEE ROOM, February 12th, 1866.

To Hon. J. W. Throckmorton, President of the Convention:

The Committee on Privileges and Elections have instructed me to ask the adoption of the following resolution:

Resolved, That all members of the Convention within any of the exceptions of the President's Amnesty Proclamation of the 29th of May last, and who have not received their pardons, be requested to meet the committee at 3 o'clock, P. M., 13th inst., and furnish written statements of their respective cases.

Respectfully submitted,
GEO. W. JONES, Chairman.

Adopted.

COMMITTEE ROOM, February 12th, 1866

To the Hon. J. W. Throckmorton, President of the Convention:

The Committee on Privileges and Elections unanimously instruct me to report, in the case of the contested election between the Hon. James Shaw and the Hon. J. B. Boyd for the district comprising the counties of Burleson and Robertson, that by reference to the returns of the election made to the Secretary of State, it appears that Shaw received one hundred and thirty-three votes, and Boyd one hundred and twenty-nine; yet the returning officer for the district, upon representations made by the Chief Justice and County Clerk of Burleson county, assuming that seven of the votes cast for Shaw were illegal, as the electors had not been registered, awarded the certificate of election to Boyd. No proceedings appear to have been instituted for the purpose of contesting the election or purging the polls. The action of the returning officer, rejecting seven votes cast for Shaw, rests entirely upon the representations of the Chief Justice and County Clerk of Burleson. The committee are therefore of opinion that Shaw is entitled to the seat, and recommend the adoption of the following resolution:

Resolved, That the Hon. James Shaw, having received a plurality of the votes cast in the district comprising the counties of Burleson and Robertson for Delegate to this Convention, is entitled to represent said district.

Mr. Davis of Webb moved to re-commit the report and resolution to the committee, for five days, to allow Mr. Boyd time to present to the committee evidences of his election and right to a seat in the Convention. Lost.

The resolution and report, as read, were adopted.

The following report was read from the Committee on Printing and Contingent Expenses.

COMMITTEE ROOM, February 13th, 1866.

To the Hon. J. W. Throckmorton, President of Convention:

The Committee on Printing and Contingent Expenses have instructed me to report that they have contracted for the publication, in pamphlet form, of 1000 copies of the Governor's Message, for sixty-five dollars in currency; and also for 100 copies of the Rules of the House of Representatives, for twenty-one dollars in currency.

A resolution of the Convention directs this committee to contract for ten copies of each of the papers published in Austin, for each member of the Convention. Upon inquiry, the committee ascertain that there are two papers published in this city, each of which is to be published tri-weekly during the session of the Convention, on alternate days, thus giving a paper each day. Eight hundred and ninety papers each day will be required to furnish the number ordered by the resolution. Upon a conference with the publishers of the papers, we ascertain that ten cents per copy, in currency, is the price which they ask for the papers, making the sum of eighty-nine dollars, in currency, as the daily cost incurred. In accordance with the order to the committee, contained in the resolution, the publishers of the papers have been engaged to furnish ten copies for each of the members, of the tri-weekly Gazette of this day, and of the tri-weekly Intelligencer of to-morrow; but the committee have gone no further with the contract, and instruct me to report the fact to the Convention, and ask that they be instructed whether to proceed or not, to make the contract to extend during the entire session of the Convention. The committee did not doubt its power, under the plain language of the resolution, to contract for the papers for the whole session, but thought it probable that the Convention had not been advised of the expense to be incurred, at the time the resolution was adopted. The committee express no opinion upon the matter, but request the Convention to take action upon it immediately. WM. E. JONES, Chairman.

Report adopted.

Mr. Hart offered the following resolution:

Resolved, That the committee be instructed to reduce the number of papers, contemplated by the resolution referred to in the report of the committee, from ten to one; *provided* they can procure the same at ten cents per copy.

Mr. Davis of Webb proposed to amend the resolution by inserting three copies of each, instead of one.

Lost.

Mr. Shuford offered the following as a substitute for the resolution:

Resolved, That the committee is authorized to contract with any paper for —— copies of papers reporting, in full, debates, votes and proceedings of the Convention.

Accepted.

Mr. Hart moved to fill up the blank with "one."

Lost.

Mr. Davis of Webb moved to fill up the blank with the words "from one to five."

Adopted.

On motion of Mr. Davis of Cherokee, the word "debates" was stricken out.

Mr. Hart proposed to add "*provided* they can be procured at ten cents per copy."

Lost.

Mr. Henderson moved to strike out "five," and insert "ten."

Carried.

On motion of Mr. Henderson, the words "from one to" were stricken out.

Mr. Dickson moved to postpone the matter indefinitely.

On motion of Mr. Henderson, Mr. Dickson's motion was laid on the table.

On motion of Mr. Davis of Webb, the price per copy was limited to ten cents.

Resolution, as amended, adopted.

Mr. Parsons moved to reconsider the vote adopting the resolution.

On motion of Mr. Henderson, laid on the table.

Mr. Hart moved to adjourn until to-morrow morning, 10 o'clock.

Lost.

Mr. Mabry offered the following resolution:

Resolved, That the Constitutions of the State of Texas, adopted August 27th, 1845, and on the —— day of ——— 1861, be referred to the committees of this Convention, and that they be required to report such changes, additions and amendments as may to them seem proper, for the action of this Convention.

Adopted.

Mr. Latimer introduced an ordinance declaring the Ordinance of Secession, and all the acts and proceedings of the Convention adopting the same, null and void, and of no effect, from the date of their adoption, and declaring that no State of the Federal Union has a right, under the Constitution of the United States, to withdraw from said Union.

Read first and second times.

Mr. Davis of Webb moved to refer to a special committee of seven.

Mr. Henderson moved to refer it to the Committee on the Condition of the State.

Mr. Frazier moved to lay on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Ball, Beall, Bryan, Bradshaw, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Frazier, Giddings, Gurley, Halbert, Hill, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Wilson, Woods—37.

Nays—Messrs. President, Allen, Anderson, Armstrong, Benge, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Hancock, Hart, Henderson, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Perry, Ranck, Richardson, Saunders, Saufley, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Waul, Whitfield and Young—45.

Motion lost.

Mr. Hancock offered the following substitute for the ordinance:

Resolved, That the Constitution of the United States and laws passed in pursuance thereof are the supreme law of the land, and the Act of Secession, passed by the people of Texas, was, therefore, in legal contemplation, void, being a revolutionary measure, and subject to the general principles of revolutions.

On motion of Mr. Henderson, the ordinance and substitute were referred to the Committee on the Condition of the State.

Mr. Hart moved to adjourn until 10 o'clock to-morrow morning. Lost.

Mr. Parsons introduced an ordinance striking out the 8th Article of the present Constitution.

Referred to the Committee on General Provisions of Constitution.

Mr. Parsons introduced an ordinance declaring all laws and parts of laws enacted by the Legislature of this State since February 1st, 1861, that do not conflict with the Constitution of the United States, or this State, as amended by this Convention, in full force, and all acts of courts and officers, state, executive, judicial and ministerial, done in compliance thereof, in full force.

Referred to Committee on the Condition of the State.

Also, an ordinance amending the 10th Section of the 4th Article of the Constitution.

Referred to Committee on Judiciary.

Mr. Mabry introduced an ordinance promoting the manufacturing interest of the State.

Referred to Committee on Condition of the State.

Mr. Whitfield offered the following resolution:

Resolved, That the Committee on Education ascertain from the Governor and Heads of Departments such information as they may be able to impart as to the amount of funds on hand belonging to the Common School fund, the amount due from the State, and the several railroads, to said fund.

Also, that the Committee ascertain what amount of the public lands have been surveyed and set aside for Common Schools, and under what laws, if any, the unappropriated public domain, or the proceeds arising from the sale thereof, have been set aside for school purposes.

Also, that the Committee ascertain from the Commissioner of the General Land Office the amount of lands that have been surveyed for the several counties, under the law of the Republic, and the Constitution of the State, granting to each county —— leagues of land for school purposes.

That the Committee be instructed to report such measures as may be deemed proper to secure the various amounts due to the school fund.

Also, that said Committee inquire into the expediency of providing in the Constitution for the electing, by the people, of a Superintendent of Common Schools.

Adopted.

Mr. Spaight introduced an ordinance annulling the ordinance of secession, of February 1st, 1861.

Read first and second times, and referred to Committee on Condition of the State.

Mr. Paschal offered the following resolution:

Resolved, That this Convention will re establish the Constitution of the State of Texas in force immediately before the 1st day of February, 1861, with such amendments only as may be necessary to conform the same to the existing order of things, growing out of the late war.

Made special order of the day for 11 o'clock to-morrow.

Mr. Jones of Bexar offered the following resolution:

Resolved, That the Judiciary Committee be instructed to take into consideration the propriety of amending the Constitution so as to increase the number of Judges of the Supreme Court to five, who shall hold the court at but one place, and be in permanent session, except in special vacation.

Also, consider the propriety of compelling the District Judges to hold their courts four times a year in each county, and to exercise original and exclusive jurisdiction over executors, administrators and guardians, under such rules as the Legislature may prescribe.

Adopted.

On motion, the Convention adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, February 14th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Mr. Henderson presented the credentials of Mr. Gentry, member elect from Harrison county.

On motion of Mr. Shepard, leave of absence was granted to the Hon. James Shaw, of Burleson county, in consequence of sickness in his family.

Mr. Frazier presented the credentials of himself and Mr. Burke, of Harris county.

Mr. Taylor of Houston presented those of Mr. Stuart, of Galveston. Mr. Smyth, of Newton, also presented his credentials.

On motion of Mr. Taylor of Houston, Messrs. Gentry, Burke, Stuart and Smyth took the oath of office and seats in the House.

Mr. Davis of Webb introduced an ordinance relative to Internal Improvements, amending the Constitution, Sec. 1st, so as to impose a sufficient tax on tax payers living within counties where the county seats thereof are within thirty miles of any proposed road, canal or improvement of bays or coast, to pay half the principal and interest of cost of said route within a term of twenty years, and providing for appropriations by the Legislature to pay the other under similar provisions.

Section 2 provides for election of an officer, styled a Commissioner on Internal Improvements, by the people of Texas, specifying his duties in the charge of said office.

Section 3 requires the Legislature to enact such rules and regulations as are necessary to carry out the provisions in said ordinance.

Read first time, and, on motion of Mr. Dickson, rule was suspended so as to allow the reading of this and other bills a second time, and referring them to their appropriate committees; thereupon read a second time, and referred to the Committee on Internal Improvements.

Mr. Davis of Webb introduced an ordinance touching the qualifications of voters, which was read a first and second time, and, on motion of Mr. Camp of Upshur, was laid on the table.

Mr. Henderson introduced the following preamble and ordinance:

WHEREAS, The government of the United States, by the exercise of its power during the late war, and the results thereof, has determined that a State has not the constitutional right to secede; and whereas the people of the State of Texas acquiesce in that determination; therefore,

Be it ordained by the people of Texas, in Convention assembled, That the Ordinance of Secession passed by a Convention of the people of the State of Texas on the 2d day of March, 1861, be and is hereby repealed.

Read first and second times, and referred to the Committee on Condition of the Country.

Mr. Armstrong introduced an ordinance to amend Sections 12 and 13 of Art. V of the Constitution, which was read first and second times, and referred to Committee on the Executive Department.

Mr. Jones offered the following resolution:

Resolved, That the Committee on the Condition of the State be instructed to consider and report upon the propriety of selling to the Government of the United States all of the territory of the State, lying West of a line commencing at some suitable point below the mouth of the Pecos, on the Rio Grande, and running thence to the north-west corner of the most western county lying on Red River, or some other suitable point. The funds arising from such sale to be set apart as a perpetual School Fund.

And that said Committee be further instructed to consider and report upon the expediency of dividing all that portion of the State lying east of the line above designated into three States, for admission into the Union, and, if found to be expedient, to report an ordinance amending the Constitution so as to confer upon the Legislature the power to sell such portion of the public domain as may be designated, and to take the necessary steps for a division of the State, and the adjustment of the rights of each new State in the public domain and the school and university funds, and apportion to each its share of whatever public debt may be existing at the time of the division.

W. E. JONES.

The hour having arrived, the special order of the day, viz: Mr. Paschal's resolution relative to the re-establishing of the Constitution in force prior to February 1st, 1861, was taken up and read.

Mr. Dickson offered the following amendment:

Be it further Resolved, That the Committee on the Condition of the Country report an ordinance for the assembling of a Convention on the —— day of ——— for the purpose of revising the Constitution of the State.

Withdrawn.

Mr. Hancock moved to refer Mr. Paschal's resolution to the Committee on the Condition of the State, with instructions to report without delay.

Mr. Davis of Webb moved to amend by instructing committee to report immediately.

Accepted.

Mr. Bumpass moved to lay amendment on the table.

Carried.

Mr. Paschal moved to postpone the action of the House on the matter until to-morrow, 11 o'clock. Lost.

Mr. Roberts moved to refer to special committee of one from each of the standing committees, with instructions to report to-morrow.

Mr. Bumpass moved to lay Mr. Roberts' motion on the table.

Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Bryan, Bumpass, Camp of Goliad, Clements, Davis of Webb, Degener, Dickson, Flanagan, Gentry, Giddings, Halbert, Hart, Hunt, Johnson of Titus, Lane, Mabry, Norris, Paschal, Phillips, Porter, Randolph, Richardson, Runnels, Saunders, Shields, Shuford, Smyth of Newton, Spaight, Stuart, Taylor of Harris, Thomas of Grimes, Thompson, Varnell, Whitfield, and Wilson—36.

Nays—Messrs President, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Frazier, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Nelson, Norton, Parker, Parsons, Perry, Ranck, Record, Reeves, Roberts, Saufley, Selman, Shepard, Slaughter, Smith of Colorado, Smith of Lamar, Tyus, Walker, Waul, Woods, and Young—45.

Mr. Roberts' motion was adopted.

Mr. Jones' resolution was called for, and read.

A motion was made to refer it to the Committee on the Condition of the State.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. President, Armstrong, Benge, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsay, McCormack, Murchison, Nelson, Norton, Parker, Paschal, Ranck, Reeves, Roberts, Saunders, Shields, Slaughter, Smith of Colorado, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Woods, and Young—33.

Nays—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Flanagan, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Ireland, Johnson of Titus, Lane, Latimer, Mabry, Middleton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Richardson, Runnels, Saufley, Selman, Shepard, Shuford, Smith of Lamar, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thomas of Grimes, Whitfield, and Wilson—50.

Mr. Jones' resolution was lost.

Mr. Parsons moved that Mr. Burke be added to the Committee on the Condition of the State.

Carried.

Mr. Roberts offered the following resolution:

Resolved, That the Committee on Indian Affairs be requested to consider and report upon the propriety of authorizing the Legislature, or Governor of the State, to cede to the United States the exclusive occupation, for fifty years, of the territory of this State north-west of a line drawn from some point high up on Red River, above the present settlements, and running to El Paso, or some other point on the Rio Grande, upon the terms of establishing posts on said line, and giving such other guarantees of protection to our Indian frontier as will secure that object.

Adopted.

Mr. Saunders introduced an ordinance requiring the State of Texas to assume the payment of the Special Tax on real estate, assessed by the Government of the United States.

Read first and second times, and referred to the Committee on Finance.

Mr. Ireland offered the following resolution:

Resolved, That the Committee on the General Provisions of the Constitution be, and they are hereby instructed to report an ordinance, to be incorporated into the Constitution, declaring all marriages that may hereafter take place between the white races and Africans, and descendants of Africans, null and void.

Mr. Frazier moved to lay the resolution on the table.

Lost.

Resolution adopted.

Mr. Shuford offered the following resolution:

Resolved, That we, the Delegates in Convention assembled, do hereby declare our gratification at the opportunity of resuming our federal relations with the General Government.

Mr. Dickson moved to refer it to the Committee on the Condition of the Country.

Mr. Davis, of Webb, moved to lay that motion on the table.

Mr. Dickson made the following point of order:

That a motion to lay a motion, tending to the disposal of a matter already before the House, is out of order. If it is desired to be laid on the table, it must be on a motion to lay the original resolution on the table.

The Chair sustained the point.

On motion of Mr. Hurt, Mr. Smyth, of Newton, was added to the Committee on the Condition of the Country.

Mr. Flanagan introduced an ordinance amending the 22d Section of Art. VI of the Constitution of the State.

Mr. Paschal moved to refer it to the Committee on the General Provisions of the Constitution.

The President announced the following as the Special Committee on Mr. Paschal's resolution, with instructions to report to-morrow:

Special Committee—Mr. Roberts, Chairman; Bumpass, Jones of Bastrop, Spaight, Flanagan, Smith of Colorado, Mabry, Shuford, McCormack, Smyth of Newton, Young, Gentry, Saunders.

On motion, the House adjourned until 10 o'clock to-morrow morning, pending Mr. Paschal's motion relative to Mr. Flanagan's proposed changes in the Constitution.

THURSDAY, February 15, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read, amended and adopted.

Mr. Flanagan offered the following resolution:

Resolved, That the Convention shall draw for seats to-day at 3 o'clock, and that said drawing shall be final for the session.

Laid on the table for the present.

Reports of Committees being in order, Mr. Jones of Bastrop, chairman of the Committee on Privileges and Elections, made the following Report:

COMMITTEE ROOM, Febr'y 13th, 1866.

To the Hon. J. W. Throckmorton, President of the Convention:

The Committee on Privileges and Elections unanimously instruct me to report, that they have had under consideration the resolution and substitute referred to them, concerning members of the Convention who come within the exceptions of the President's amnesty proclamation of the 29th of May last: that, in response to the resolution, Messrs. H. R. Runnels, T. N. Waul, John Ireland and J. W. Whitfield have reported to the committee, and furnished written statements herewith submitted: that it appears from the statement of Mr. Runnels that he has made application for pardon, as coming within the 13th exception. The committee are, however, of opinion that he does not come within said exception, the estimated value of his property being less than twenty thousand dollars. From the statement of Mr. Ireland, it appears that he comes within the 1st, and from the statements of Messrs. Waul and Whitfield, that they fall within the 3d exception of said proclamation. The applications of all these gentlemen have been approved by His Excellency A. J. Hamilton, and duly forwarded, but it does not appear whether or not they have been acted upon by the President. The committee, therefore, recommend the adoption of the following preamble and resolution, as a substitute for the original resolution referred to them:

WHEREAS, Messrs. H. R. Runnels, John Ireland, J. W. Whitfield and T. N. Waul have been duly returned as members of this Convention; but whereas said members have made application for pardon, as falling within certain exceptions of the amnesty proclamation of the 29th of May, 1865, which have been approved by His Excellency A. J. Hamilton, Provisional Governor of the State, and duly forwarded by the applicants; and whereas it does not appear whether said applications have been acted upon by the President of the United States; therefore,

Resolved, That His Excellency A. J. Hamilton be requested to communicate by telegraph with the President, and, in case said members have not been pardoned, request that it be done immediately.

Report received, to come up in its order.

Mr. Roberts, chairman of the special committee to whom was referred Mr. Paschal's resolution, reported as follows:

To the Hon. J. W. Throckmorton, President of the Convention:

The special committee to whom was referred the following resolution, to wit: "Resolved, That this Convention will re-establish the Constitution of the State of Texas in force immediately before the first day of February, 1861, with such amendments only as may be necessary to conform the same to the existing order of things, growing out of the late war," have had the same under consideration—a majority of whom request me to report against its adoption, and to submit the following as a substitute therefor, to wit:

Resolved, That this Convention entertain and act upon all proposed amendments to the Constitution which appear to the body to be of sufficient importance, and in their nature required by the present and prospective condition of the State.

It is the object of the majority of the committee, in offering this substitute, to indicate the opinion that it is not expedient to pass any resolution attempting to define, in advance, the limits of the action of the Convention.

Received, to come up in order.

Mr. Gentry offered the following report, in behalf of the minority of the Special Committee:

To the President of the Convention:

The undersigned, a minority of your Committee of one from each Standing Committee of the Convention, to whom was referred the resolution presented by the delegate from Bexar, proposing to limit the action of the Convention, beg leave to report the annexed resolution, as a substitute for the report of the majority of the committee, and respectfully recommend its adoption:

Resolved, That the Convention re-establish the Constitution of the State of Texas as it stood on the 31st day of January, 1861, with such amendments only as may be required to conform the same to the Constitution of the United States, and such ordinances as may be necessary to fully organize a State Government, and enable the State to resume her federal relations in the Union.

Report received, to come up in order.

Mr. Flanagan's resolution to draw for seats was taken up.

Mr. Davis, of Webb, offered a substitute for the resolution, that the members of the Convention be allowed to retain their seats as now held.

Substitute accepted and adopted.

Mr. Hunt offered the following resolution:

Resolved, That the Committee on the Condition of the State be instructed to inquire into the expediency of adopting an ordinance validating and confirming the Acts of all the officers appointed by His Excellency A. J. Hamilton, as Provisional Governor of the State of Texas, the same as though said officers had been elected or appointed in the manner provided by the Constitution and laws of said State, and that said committee report by ordinance or otherwise. Adopted.

Mr. Reeves offered the following resolution:

Resolved, That the fate of war having settled the question that the right of a State to withdraw from the Union does not exist, we, the Delegates of the people of Texas, in Convention assembled, seek to restore the State to its former relations to the Federal Government on the basis of such settlement, accepting the same as final, and renouncing the doctrine of secession as asserted by the ordinance adopted March 2d, 1861.

Read first and second times.

Mr. Frazier moved to lay the resolution on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Ball, Bryan, Bradshaw, Davis of Webb, Degener, Frazier, Ireland, Jones of Bastrop, Nelson, Norris, Parker, Parsons, Ranck, Runnels, Selman, Smyth of Newton, Stuart, Wilson, and Young—20.

Nays—Messrs. President, Anderson, Armstrong, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Flanagan, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shuford, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, and Woods—62.

Motion to lay on the table lost, and the resolution referred to the committee on the Condition of the Country.

Mr. Wilson introduced an ordinance ratifying marriages between freedmen and freedwomen, and making legitimate the issue of all such as are now living together as man and wife.

Read first and second times, and referred to committee on Condition of the State.

Mr. Wilson also offered the following:

Resolved, That the Committee on Education be requested to direct their attention to Section 2, Art. X, of the Constitution, and determine as to whether the same should not be stricken out, or amended, and report their action in the matter.

Pending which, on motion, the House adjourned until 10 o'clock to-morrow morning.

FRIDAY, February 16th, 1866.

Convention met pursuant to adjournment; roll called; quorum present; journal of yesterday read and adopted.

Communication from Hon. F. M. White, Commissioner of General Land Office, was received and read, and on motion of Mr. Jones of Bexar was referred to the Committees on Education and Public Lands, with instructions to print five hundred copies.

Reports of Committees being in order, Mr. Hancock, Chairman of Committee on General Provisions of Constitution, made the following report:

COMMITTEE ROOM, February 15th, 1866.

Hon. J. W. Throckmorton, President of Convention:

The Committee on General Provisions of Constitution, to whom was referred a resolution with reference to the intermarrying of white and African races, have had the same under consideration, and unanimously direct me to report the same back to the Convention, with the suggestion that this is a subject within legislative cognizance, and that the laws now in force prohibit such intermarriages, and that it is not apprehended that the moral sentiment of the country will allow a repeal of these laws.

Report received, to come up in order.

Mr. Mabry offered the following resolution:

Resolved, That a Committee on Apportionment be raised by the President, whose duty it shall be to apportion the State in Congressional Districts, and Districts for the members of both branches of the State Legislature.

Laid over one day for consideration.

Mr. Lindsey offered a resolution requiring the Committee on Indian Affairs to inquire of Gov. Hamilton, and the military authorities, what steps have been taken for affording immediate protection to the frontier, and if none can be afforded immediately by the General Government, to inquire into the propriety of raising a voluntary force for said protection.

Adopted.

Mr. Flanagan offered the following resolution:

Resolved, That the Committee on General Provisions of the Constitution be requested to direct their attention to Section 30, Article VII, of the Constitution, and determine as to the propriety of striking out said section.

Adopted.

Mr. Wilson offered the following resolution:

Resolved, That the Committee on the Legislative Department be requested to direct their attention to Section 27, Article III, of the Constitution, and report upon the propriety of striking out said section.

Referred to said Committee.

Mr. Saufley offered the following resolution:

Resolved, That this Convention pass no measures for the delay or postponement of the collection of debts, but authorize the first Legislature to pass such relief measures as the people, through their representatives, in their wisdom, think the exigencies of the times demand. And that the Committee on the Legislative Department be required to draft such ordinance for the action of this Convention.

Laid over, to come up in order.

Mr. Halbert offered the following resolution:

Resolved, That the Committee on the Executive Department be instructed to inquire into the propriety of so amending the Constitution of the State of Texas as to extend the term of office of Sheriff, and other county officers, to four years, and report by ordinance or otherwise.

Adopted.

Mr. Walker offered the following:

Be it ordained, That the right heretofore claimed by the State of Texas, and declared in the ordinance of secession, to secede from the Federal Union, has been decided, by the late war, not to exist. It is therefore renounced by this State, and the ordinance aforesaid is repealed hereby.

Read first time.

Mr. Stuart offered a preamble and resolution asking the aid of the General Government in constructing a south branch to the Union Pacific railroad, through the Indian Territory.

Read first and second times, and referred to the Committee on Internal Improvements.

Mr. Bradshaw introduced an ordinance providing for the appointing of Supreme and District Judges, and fixing their terms of office.

Read first and second times, and referred to Judiciary Committee.

Mr. Armstrong offered the following amendment to Section 5 of Article III of the Constitution:

That the members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be biennial, and not to exceed sixty days in length, at such times as shall be prescribed by law.

Also, offered amendments to Section 24 of Article III of the Constitution, providing for the election of Speakers of the Senate and House of Representatives, and that no member of either branch of the Legislature shall be eligible to the offices of United States Senator, or Judge of the Supreme or District Courts, during the term for which he may have been elected a Senator or Representative.

Both amendments were referred to the Committee on Legislative Department.

Mr. Saunders offered the following resolution:

Resolved, That the Comptroller of the State be required to furnish this Convention with such data as may be in his possession as to the amount and character of funds paid for school lands during the existence of the rebellion.

Laid over, to come up in order.

Mr. Burke offered a resolution instructing the Committee on Judiciary to inquire into the propriety of amending the Constitution, as regards the election and salaries of the Supreme and District Judges.

Referred to Committee on Judiciary.

Mr. Mabry's resolution, apportioning the State, was taken up, and that part referring to the districts for the members of both branches of the Legislature was withdrawn.

The resolution was referred to the Committee on General Provisions of the Constitution.

Mr. Henderson moved to proceed to the orders of the day; but on motion of Mr. Frazier, the rules were suspended, when Mr. Frazier offered the following resolution:

Resolved, That the present relations of the inhabitants of Texas to the Government of the United States are, and of right should be, governed by the laws of war, the laws of nations, and the practice of nations since the dawn of modern civilization, and that by these the Government of the United States is restrained, and that to these we must yield, and that these laws and practices require no more of us, as a conquered people, than to accept the government of the conqueror, and that hence it is not necessary to repeal, annul, or declare null and void, the ordinance of secession, the surrender of the South having settled the question.

Read first and second times, and referred to Committee on Condition of State.

The Convention then proceeded to the consideration of orders of the day.

Mr. Flanagan's resolution, as to amending 22d Section of Article VI of the Constitution, so as to protect homesteads from forced sales, and to protect the alienation of the same, unless by consent of the wife, was read, and referred to the Judiciary Committee.

Report of Committee on Privileges and Elections, in relation to members who come within the exceptions of the Amnesty Proclamation, taken up, and read.

Mr. Davis of Webb moved to lay the report on the table.

Withdrawn.

Mr. Taylor of Fannin moved to postpone the action of the House for six days, and to request Gov. Hamilton to endeavor to procure the pardons of the delegates who come under the exceptions of the President's Amnesty Proclamation.

Withdrawn.

Mr. Shields moved to amend report of Committee, by changing so as to read, "that the President be requested to act on the applications."

Carried.

Mr. Shuford offered the following additional resolution to the resolution in the report:

Resolved, That pending the communication between the President of the United States and the Governor, in relation to the ineligibility of the members indicated in the report, that they vacate their seats.

On motion of Mr. Latimer, the House postponed the action on the report of the Committee until 11 o'clock on Monday next, pending Mr. Shuford's amendment.

The report of Mr. Roberts, chairman of the special committee, prescribing the action of the Convention, was taken up.

Mr. Dickson moved to lay the majority report on the table.

Yeas and Nays being called for, resulted thus:

Yeas—Messrs. President, Allen, Anderson, Ball, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Drake, Frazier, Gentry, Giddings, Hart, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Lindsey, Middleton, Murchison, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Shepard, Shields, Shuford, Smith of Lamar, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—57.

Nays—Messrs. Armstrong, Beall, Benge, Davis of Cherokee, Flanagan, Gurley, Halbert, Hancock, Henderson, Hunt, Ireland, Jones of Bexar, Latimer, Ledbetter, Mabry, McCormack, Nelson, Norton, Ranck, Roberts, Saunders, Selman, Slaughter, Smith of Colorado, Taylor of Fannin, Varnell, Woods and Young—28.

Laid on the table.

Mr. Johnson of Tarrant offered the following resolution as a substitute for the resolution reported by the minority of the committee:

Resolved, That the Convention re-establish the Constitution of the State of Texas as it stood on the 31st of January, 1861, with such amendments to the same, *only*, as may be necessary to conform to the Constitution of the United States, and such ordinances as may be requisite to fully organize a State Government, and enable the State to resume her federal relations in the Union. *Provided*, that the foregoing resolution, after the re-establishment of the Constitution as it stood on the 31st of January, 1861, be construed to limit the action of the Convention as follows:

1st. To the subject of the ordinance of secession, passed March 2d, 1861.

2d. To an ordinance providing for the election of State Officers, and the organization of the State Government.

3d. An ordinance in relation to the public debt.

4th. The status of the negro.

All the foregoing measures shall be considered final, when adopted by the Convention, without reference to the people; after which such amendments to the Constitution, and ordinances, shall be acted upon, as the Convention may determine to adopt, which amendments and ordinances shall be submitted to the people, for their ratification or rejection.

Mr. Flanagan moved to lay the whole matter on the table.

On motion of Mr. Dickson, a division of the question was ordered.

First question being on laying Mr. Johnson's substitute on the table, the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Ball, Bradshaw, Bumpass, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Hurt, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Saunders, Saufley, Selman, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Thomas of Grimes, Walker, Wilson and Young—51.

Nays—Messrs. President, Allen, Anderson, Beall, Benge, Bryan, Burke, Camp of Goliad, Camp of Upshur, Gentry, Johnson of Tarrant, Jones of Bastrop, Lindsey, Mabry, Paschal, Perry, Record, Shepard, Shields, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Whitfield and Woods—29.

So the substitute was laid on the table.

The question recurring on laying the resolution reported by the minority of the committee on the table, the Yeas and Nays being called for, resulted thus:

Yeas—Messrs. Armstrong, Ball, Beall, Davis of Cherokee, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Nelson, Norton, Norris, Paschal, Phillips, Porter, Ranck, Roberts, Saunders, Saufley, Selman, Shuford, Smith of Colorado, Smith of Lamar, Varnell and Young—35.

Nays—Messrs. President, Allen, Anderson, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Gentry, Giddings, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lindsey, Middleton, Murchison, Parker, Parsons, Perry, Randolph, Record, Reeves, Richardson, Shepard, Shields, Slaughter, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Tyus, Walker, Wilson and Woods—45.

House refused to lay the report on the table.

Mr. Hancock offered the following as a substitute for the resolution reported by the minority of the committee.

Resolved, That this Convention will act on the subject of the ordinance of secession, provide for the election of State and Federal officers, on the public debt, and the status of the negro, definitely and finally, and make such amendments to the State Constitution as may be deemed expedient by this Convention, to be submitted to the people, or not, as the Convention may determine, for their ratification or rejection.

Mr. Bumpass moved to lay the substitute on the table.

On motion of Mr. Henderson, a call of the House was ordered.

On motion of Mr. Parsons, the Convention adjourned until 10 o'clock to-morrow morning.

SATURDAY, February 17th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Reports of Committees being in order, Mr. Henderson, chairman of committee on the Legislative Department, reported an ordinance to make sundry amendments in the Constitution.

Read, to come up in order.

Mr. Jones of Bastrop was, on motion of Mr. Taylor of Fannin, excused from attendance on the Convention until Tuesday next.

Mr. Jones of Bexar moved to print 500 copies of so much of the report of the committee on the Legislative Department, amending the State Constitution, wherein the wording was changed.

Carried.

Mr. Latimer moved to excuse Mr. Paschal from attendance on the Convention from Monday next until Friday next.

Carried.

Mr. Hurt was, on motion of Mr. Armstrong, excused until Monday next, on account of sickness.

On motion of Mr. Harwood, Mr. Slaughter was also excused until Monday, on account of sickness.

Mr. Roberts, chairman of the Judiciary Committee, made the following report:

REP. HALL, February 16, 1866.

Hon. J. W. Throckmorton, President of Convention:

The Judiciary Committee, to whom was referred the resolution offered by Mr. Ireland, requiring said committee to inquire into the condition of the papers, &c., of the Supreme Court, have acted upon the same, and instruct me to report that the Provisional Governor has already appointed a competent gentleman to take charge of the same, and do not think any action necessary.

Read, to come up in order.

Mr. Hancock, chairman of the committee on the General Provisions of the Constitution, reported in favor of striking out the

VIII Article of the Constitution, except the number, which be filled as follows:

Sec. 1. African slavery, as it heretofore existed, having been terminated within this State by the government of the United States, by force of arms, and its re-establishment being prohibited by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in this State; and freedmen and their descendants shall be protected and secured in their rights of person and property by appropriate legislation; they shall have the right to contract and be contracted with, to sue and be sued, to acquire, hold and transmit property, and be subject to no penal laws based upon inequality or distinction of race.

Sec. 2. Freedmen and their descendants shall not be prohibited, on account of color or race, the right to testify as witnesses in any case, civil or criminal, involving right of or injury to any of them in person or property; the credibility of their testimony to be determined by the court or jury hearing the same: *Provided*, that, in all cases in which they may be heard as witnesses against a white person, it shall be in open court, and the latter shall have the right to testify in his own behalf, and they shall have the same right when testified against by a white person. The Legislature shall have power to authorize them to testify as witnesses in all cases under the regulations herein set forth.

Read, to come up in order, and 500 copies ordered to be printed, on motion of Mr. Jones of Bastrop.

Mr. Jones of Bexar, chairman of the committee on Printing and Contingent Expenses, reported that the committee had contracted for five copies of each of the Tri-Weeklies, Intelligencer and Gazette, to each member, making ten copies of both to each member.

Report received, to come up in order.

Mr. Benge offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses be instructed to contract for the printing of a sufficient number of copies of the Constitution of the State of Texas, as published in Oldham and White's Digest, to furnish each member of this Convention with a copy.

Lost.

Mr. Spaight introduced an ordinance amending Section 8 of the Bill of Rights.

Read first and second times, and referred to the committee on the General Provisions of the Constitution.

Mr. Norris offered the following:

Be it Resolved by the Convention, that the Sergeant-at-Arms be required to procure from the State Department one copy of Oldham and White's Digest for the use of each member of the Convention, while it may remain in session.

Adopted.

Mr. Burke offered the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the propriety of amending the Constitution of the State of Texas, so as to engraft therein this provision: That no person whose tenure of office depends on the pleasure of the Governor shall be removed from office without the advice and consent of the Senate to such removal; but the Governor shall have power to suspend at any time such officer, and appoint another to discharge the duties of his office until the next session of the Senate, and until their advice and consent to such removal shall be ascertained and expressed.

Lost.

Mr. Burke also offered a resolution instructing the committee on the General Provisions of the Constitution to inquire into the propriety of so amending Section 30 Article VII of the Constitution, as to provide for granting charters to banking companies.

Adopted.

Mr. Roberts offered the following resolution:

Resolved, That the committee on Internal Improvements be requested to inquire into the propriety of defining the power of the County Court on the subject of subscriptions to railroad companies, and of expressly conferring or refusing it, and report by ordinance or otherwise.

Adopted.

Mr. Gentry offered the following resolution:

Resolved, That a committee on the Bill of Rights be raised, consisting of seven members. Lost.

Mr. Giddings offered the following:

Resolved, That the committee on the General Provisions of the Constitution be instructed to examine and report upon the following:

1. That no inconvenience may arise from the change of government, it is declared that all laws passed by the Legislature of this State, not repugnant to this Constitution or the Constitution of the United States, which have not expired by limitation or been repealed, whether passed before or since the first of March, 1861, are in full force and effect, and shall so remain until they shall expire by limitation, or be repealed by the Legislature.

2. That all judgments, orders and decrees of the several Courts of this State, and the acts of all Officers, State and County, done in pursuance of laws in force at the time, are hereby declared to be valid and binding.

3. That the provisions of the foregoing shall extend to and include the Officers and Courts of the Provisional Government of Texas.

Adopted.

Mr. Runnels introduced an ordinance protecting parties from prosecution who have made seizures of private property under Confederate authority, and from holding parties responsible for damages in the same.

Read first and second times, and referred to the Judiciary Committee.

Mr. Ranck offered the following resolution:

Resolved, That the committee on Internal Improvement be instructed to inquire into and report upon the propriety of abolishing capital punishment in the State of Texas, and enlarging the State penitentiary.

Lost.

ORDERS OF THE DAY.

Mr. Wilson's resolution, relative to Section 2 Article X of the Constitution, was taken up, read, and referred to the committee on Education.

The minority report of the special committee, reporting resolution restricting the action of the Convention, and Mr. Hancock's substitute for the same, was taken up and read.

Mr. Davis of Webb moved to reconsider the vote which laid the report of the majority on the table.

Mr. Hart moved to lay Mr. Davis' motion on the table.

The Yeas and Nays being called for, on the motion to lay Mr. Davis' motion to reconsider on the table, stood thus:

Yeas—Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Frazier, Gentry, Giddings, Hart, Johnson of Titus, Ledbetter, Mabry, Middleton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shepard, Shuford, Smyth of Newton, Spaight, Stuart, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson, and Young—50.

Nays—Messrs. Davis of Cherokee, Davis of Webb, Degener, Flanagan, Gurley, Halbert, Hancock, Henderson, Hill, Hunt, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, McCormack, Murchison, Nelson, Norton, Norris, Parker, Ranck, Roberts, Runnels, Selman, Shields, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Varnell, Waul, and Woods—31.

Laid on the table.

Mr. Davis of Webb moved to strike out the words "definitely" and "finally" from Mr. Hancock's substitute.

Mr. Flanagan moved to lay the whole matter on the table.

Whereupon, on motion of Mr. Taylor of Fannin, a call of the House was ordered; but, on Mr. Flanagan withdrawing his motion to table the amendment, Mr. Taylor withdrew his motion for a call of the House.

The question recurring on the adoption of Mr. Davis' amendment, and the Yeas and Nays being called for,

Mr. Hancock accepted the amendment as suggested, without the vote being taken.

Mr. Norton moved the indefinite postponement of the whole matter.

On motion of Mr. Allen, Gov. Hamilton was invited to a seat within the bar of the House.

Mr. Davis of Cherokee moved to adjourn until 10 o'clock on Monday morning.

Lost.

Mr. Hart moved to lay Mr. Hancock's substitute on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. President, Allen, Bryan, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Hart, Johnson of Titus, Lane, Lindsey, Murchison, Nelson, Perry, Record, Runnels, Shepard, Smyth of Newton, Spaight, Stuart, Taylor of Houston, Thompson, Whitfield, and Wilson—29.

Nays—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Davis of Cherokee, Davis of Webb, Degener, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Henderson, Hunt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, McCormack, Middleton, Norton, Norris, Parker, Parsons, Paschal, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thomas of Grimes, Varnell, Walker, Waul, Woods and Young—48.

Motion lost.

Mr. Parsons moved to adjourn until 10 o'clock on Monday.

Lost.

The question recurring on the adoption of Mr. Hancock's substitute, the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Beall, Benge, Burke, Davis of Cherokee, Davis of Webb, Degener, Drake, Flanagan, Frazier, Gurley, Halbert, Hancock, Henderson, Hunt, Johnson of Tarrant, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Norris, Parker, Paschal, Phillips, Porter, Ranck, Reeves, Roberts, Saunders, Saufley, Selman, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Varnell, Walker, Waul, Woods, and Young—47.

Nays—Messrs. President, Ball, Bryan, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Hart, Johnson of Titus, Nelson, Parsons, Perry, Randolph, Record, Richardson, Runnels, Shepard, Smyth of Newton, Spaight, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Whitfield, and Wilson—30.

The substitute was taken instead of the substitute reported by the minority, and was then adopted.

On motion of Mr. Hancock, the Assistant Sergeant-at-Arms was excused until Tuesday morning next.

On motion of Mr. Davis of Webb, the Sergeant-at-Arms was instructed to remove the fragments of the national flag, which had been torn by the wind, from its present position, and to procure another, if practicable, and hoist it in its stead.

On motion of Mr. Henderson, Mr. Dalrymple was excused from attendance on the Convention until Tuesday next.

Mr. Shields moved to reconsider the vote adopting his amendment to the resolution reported by the committee on Privileges and Elections.

On motion, the Convention adjourned until Monday morning, 10 o'clock, pending Mr. Shields' motion.

MONDAY, February 19th, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of Saturday read, amended and adopted.

On motion of Mr. Saufley, Mr. Mabry was excused from attendance in the Convention on account of sickness. On motion of Mr. Record, Mr. Harwood was also excused for the same reason. Also, on motion of Mr. Frazier, Mr. Selman was excused.

On motion of Mr. Camp, of Goliad, Mr. Whitfield was added to committee on Internal Improvements.

Mr. Stuart offered a resolution to the effect that the Convention and the people of Texas, by whom the members were elected, fully and cordially accept the terms and conditions offered by the President for the restoration of the State to the Union.

On motion of Mr. Henderson, the resolution was referred to the committee on Condition of the State.

Mr. Davis of Webb offered an amendment to the Constitution for the purpose of encouraging immigration to the State, and for sending agents to the northern states and countries of Europe to further said purpose, and providing funds for the same.

Read first time, and referred to committee on Condition of the State.

Mr. Camp of Upshur offered the following resolution:

Resolved, That the committee on the General Provisions of the Constitution be instructed to inquire into the expediency of retaining in the Bill of Rights the power of the State to regulate the elective franchise in the State.

Adopted.

Mr. Benge offered the following resolution:

Resolved, That the amendment to the Constitution of the State of Texas, approved January 16th, 1850, be and the same is hereby adopted and continued in force as part of the Constitution of said State.

On motion of Mr. Benge, the resolution was referred to the committee on Privileges and Elections.

Mr, Waul offered the following resolution:

Resolved, That the committee on General Provisions be instructed to inquire into and report upon the expediency of engrafting in the Constitution the following, or similar provision:

MODE OF CALLING A CONVENTION.

The Legislature, whenever three-fourths of each House shall deem it necessary, may call a convention of the people of the State, by bill, or otherwise: provided, that said bill shall be read on three successive days before its passage, the vote recorded by yeas and nays, and approved by the Governor.

Adopted.

Mr. Henderson moved to reconsider the vote ordering 200 copies printed of the substitute of the committee on Legislative Department for Art. III of the Constitution.

Carried.

Regular business being in order, Mr. Saunders' resolution, asking for certain reports to be furnished by the Comptroller, was read and adopted.

The ordinance introduced by Mr. Walker, relative to the right of secession, was read second time, and referred to committee on Condition of the State.

The report of Mr. Hancock, chairman of committee on General Provisions of the Constitution, relative to the prevention of marriages between the white and African races, was read and adopted.

Mr. Saufley's resolution, relative to the collection of debts, was taken up, read second time, and on motion of Mr. Roberts, that portion of the resolution instructing the committee was stricken out, and resolution referred to committee on Condition of the Country.

The report of Mr. Roberts, chairman of committee on Judiciary, relative to the furniture and records of the Supreme Court, was taken up and adopted.

The report of Mr. Jones, of Bexar, chairman of committee on Printing and Contingent Expenses, relative to contracting for the city papers, was taken up and adopted.

Mr. Henderson moved that the Convention go into committee of the whole, and that Mr. Dickson be called to thechair, on the report of the committee on Legislative Department, reporting certain amendments to the Constitution.

Mr. Hart moved to print 100 copies of the report.

Mr. Jones of Bexar, moved to increase the number to 300 copies, and to be printed on writing paper.

Mr. Dickson moved that it be made the special order for Thursday, at 11 o'clock.

Both motions carried.

The hour having arrived for the special order, viz: the report of the committee on Privileges and Elections, Mr. Latimer moved a further postponement of one day.

Mr. Phillips moved to postpone until Friday, at 11 o'clock.

Carried.

On motion, the Convention adjourned until 10 o'clock to-morrow morning.

TUESDAY, February 20th, 1866.

Convention met, pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Reports of committees being in order, Mr. Henderson, chairman of committee on Legislative Department, made the following report:

To Hon. J. W. Throckmorton, President of Convention:

The committee on the Legislative Department, to whom was referred the resolution instructing the committee to report on the propriety of striking out the 27th Section Article III of the Constitution of 1845, a resolution proposing an amendment to Section 5, same Article, and an amendment to Section 24, same Article, have had all of said resolutions under consideration, and the committee instruct me to report that the subjects to which they refer have been fully considered, as set forth in their report now before the Convention: they, therefore, ask to be discharged from the further consideration of the subject.

Read, to come up in order.

Mr. Shepard, in behalf of the committee on General Provisions of the Constitution, made the following report:

Hon. J. W. Throckmorton, President Convention:

The committee on General Provisions of the Constitution, to whom was referred a resolution to divide the State into Congressional Districts, have had the same under consideration, and instruct me to report, that this duty devolves on the Legislature of the State, by Section 4, Article I, of the Constitution of the United States, and ask to be discharged from further consideration of the subject.

Read, to come up in order.

Mr. Camp of Goliad offered the following resolution:

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of consolidating the offices of sheriff, and assessor and collector.

Adopted.

Mr. Richardson offered the following resolution:

Resolved, That the committee on Finance inquire into the propriety of requiring assessments and payments of taxes on lands being made in the counties where the lands are situated, and report by ordinance, or otherwise. Lost.

Mr. Richardson introduced an ordinance providing for the per diem pay and mileage of the members, and per diem pay of officers, of the Convention, and appropriating money for the same.

Read first time, and referred to the committee on Finance.

Mr. Ranck offered preamble and resolution relative to the protection of the Indian frontier.

Read first and second times, and referred to committee on Indian Affairs.

Mr. Bumpass introduced an ordinance relative to the State assuming the direct tax levied upon the State of Texas by the United States.

Read first time, and referred to committee on Finance.

Mr. Burke offered the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of amending the Constitution of the State of Texas, so as to engraft therein this provision: That State officers appointed by the Governor, under the Constitution and laws of the State of Texas, shall not be removed before the expiration of the term for which they were appointed, unless such removal be approved by the State Senate. But the Governor shall have power, in case such officer or officers should neglect or violate the duties of their office, to suspend their functions, and appoint another to discharge the same, until the next session of the Legislature, thereafter, and that the Governor report the same to the Senate for its final action. Adopted.

Mr. Saunders introduced an ordinance declaring the act of secession null and void, *ab initio*, and declaring illegal all other acts of the so-called Secession Convention.

Mr. Stuart moved to reject the ordinance, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dickson, Frazier, Gentry, Giddings, Gurley, Hunt, Ireland, Norris, Parsons, Porter, Randolph, Record, Richardson, Selman, Shepard, Spaight, Stuart, Thomas of Grimes, Thompson and Wilson—28.

Nays—Messrs. President, Allen, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Halbert, Hancock, Hart, Henderson, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Ranck, Reeves, Roberts, Saunders, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Smyth of Newton, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—52.

Lost.

Mr. Runnels asked to be, and was excused from voting on the question of rejecting the ordinance.

Mr. Roberts moved that it be referred to committee on Condition of the State. Carried.

Mr. Norris introduced an ordinance relative to the Supreme Court, and election of Supreme Judge and two Associates, and providing for the appointment of District Judges and District Attorneys by the Supreme Court, and for the appointment by the District Judges or Clerks of the District Courts, and Sheriffs, and to hold their offices during the pleasure of the District Judge; and providing for the election, in each county, of a Chief Justice, who shall have jurisdiction to try and dispose of civil cases of —— dollars exclusive of interest, except when the title to real estate is in controversy, in which case it shall go to the District Court; of all criminal cases known as petty offences, and shall have jurisdiction as an examining and committing court, in all cases known as felonies. Said Justice, together with the Justices of the Peace of the county, one-third of whom shall constitute a quorum, shall constitute a County Court for police purposes. Also, making the Chief Justice *ex officio* Judge of Probate, and providing for the election of Justices of the Peace, and defining their terms of office.

Read first time, and referred to committee on Judiciary.

Mr. Walker offered the following resolution to amend the 9th Section of the Bill of Rights, as follows:

SECTION 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of *habeas corpus*, returnable in the county where the offence is committed, or to such other county as the same may, by consent of parties, be made returnable.

Read first time, and referred to committee on General Provisions of the Constitution.

Mr. Selman presented the memorials of L. B. Bullard and H. L. Elliott, of Smith county, which were referred to committee on General Provisions of Constitution, without reading.

On motion of Mr. Henderson, the Convention proceeded to the orders of the day.

Report of committee on General Provisions of Constitution, relative to striking out Article VIII of Constitution, and substituting another therefor, was taken up, read, and on motion of Mr. Hart, was made special order for 11 o'clock to-morrow.

On motion, the Convention adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, February 21st, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

Reports of committees being in order, Mr. Norton, chairman of committee on Condition of the State, made the following reports:

Hon. J. W. Throckmorton, President of Convention:

The committee on the Condition of the State, to whom was referred various resolutions and ordinances upon the subject of secession, have had the same under patient consideration; and after thorough discussion, and mature deliberation, I have been instructed by a majority of said committee to report the following ordinance, for the action of this Convention:

AN ORDINANCE,

Declaring the Ordinance of Secession Annulled.

SECTION 1. The people of the State of Texas, by delegates in Convention assembled, acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof, do ordain that the ordinance passed by a Convention in the city of Austin, on the 1st day of February, A. D. 1861, entitled an "ordinance to dissolve the Union between the State of Texas and the other States united under the compact styled the Constitution of the United States of America," be and the same is hereby annulled, and declared to be of no further effect.

Read first time, rule suspended, taken up, and 300 copies ordered to be printed on the motion of Mr. Waul, and made the special order for 12 o'clock on Friday next.

Hon. J. W. Throckmorton, President Convention:

I am instructed by a majority of the committee on Condition of the State, who have had under consideration several propositions referred to them, in regard to the status of the State, to report the following ordinance, annulling certain ordinances and other proceedings of a Convention held at Austin city, January 28th, 1861, for the adoption of this Convention:

AN ORDINANCE,

Annulling certain Ordinances and other proceedings of a Convention of the State of Texas, adopted in January, February, and March, A. D. 1861.

SECTION 1. *Be it ordained by the people of the State of Texas, in Convention assembled,* That all the ordinances, resolutions, and other proceedings of a Convention of the people of the State of Texas, begun and held on the 28th of January, 1861, and on the 2d of March, 1861, together with so much of the Constitution adopted by said Convention, for the State of Texas, as conflicts with the Constitution of the United States, are hereby annulled, and declared to be of no further effect.

Read first time, and, on motion of Mr. Waul, rule suspended, taken up, and 300 copies ordered to be printed, and made special order for Friday next, 12 o'clock.

Mr. Dickson, chairman of committee on Executive Department, made the following report:

COMMITTEE ROOM, February 21st, 1866.

Hon. J. W. Throckmorton, President of Convention:

The committee on the Executive Department of the State Government report, that they have had under consideration sundry matters referred to them by the Convention, and, after due deliberation, a majority recommend the adoption of the amendments herewith submitted:

AN ORDINANCE,

Proposing Amendments to the Constitution of the State of Texas.

Be it ordained by the delegates of the people of Texas, in Convention assembled, That the following amendments be made to Art. V of the Constitution of the State of Texas:

ART. V—EXECUTIVE DEPARTMENT. Amend Sec. 4 so as to read "four years," instead of "two," in the first line; and in the third line, read "eight years in any term of twelve years," instead of "four years in any term of six years."

Amend Sec. 5 so as to read in third line, "He shall receive an annual salary of three thousand dollars until otherwise provided by law," instead of "the first Governor shall receive an annual salary of two thousand dollars, and no more."

Amend Sec. 8 so as to read in second and third lines, "if that should be dangerous by reason of disease or the public enemy," instead of "if that should be in the actual possession of the public enemy."

Strike out the 23d Section, and insert in lieu thereof, "Sec. 23. There shall be elected by the qualified voters of this State, in the manner prescribed by law, a Comptroller of Public Accounts, and a State Treasurer, each of whom shall hold his office for the term of four years:" *Provided,* that the foregoing amendments shall be submitted to a vote of the people of Texas, at the first general election held after the civil re-organization of the State, and shall not be in force, as a part of the Constitution, unless and until they shall be ratified by a majority of the votes cast at said election: *Provided,* further, that in the event the foregoing amendments, extending the term of certain officers named therein, shall be ratified by the people, then all of said officers, elected at said general election, shall hold their respective offices for the terms prescribed in said amendments.

Received, to come up in order.

Mr. Shepard, in behalf of the committee on General Provisions of the Constitution, made a report that they had had under consideration the resolution instructing them to inquire into the expediency of retaining in the Bill of Rights the power to regulate the elective franchise in the State, reported that they did not deem it necessary, as the same subject is now before the Convention, by the report of the committee on the Legislative Department of the Constitution, to which, your committee are of opinion, this subject more properly belongs than to the Bill of Rights.

Received, to come up in order.

Mr. Hancock, chairman of committee on General Provisions of the Constitution, reported that the majority of said committee recommend the adoption of the amendment to the 9th Section of the Bill of Rights, as referred to them.

Received, to come up in order.

Mr. Hancock also reported that the committee on the General Provisions of the Constitution instructed him to report, that they had had under consideration the resolutions relative to striking out Sec. 30 of Art. VII, and unanimously agree that they do not deem it expedient to strike out said section.

Received, to come up in order.

Mr. Smith of Colorado made the following report:

To Hon. J. W. Throckmorton, President of the Convention:

The committee on the General Provisions of the Constitution, to whom was referred the resolution instructing them to inquire into the expediency of providing a mode of calling a convention of the people, have considered the same, as well as the present mode of proposing amendments to be voted upon by the people, and have instructed me to report as follows:

Strike out all of the Sec. 37 of Art. VII of the present Constitution, and substitute the accompanying ordinance in lieu thereof, and recommend its adoption:

ARTICLE VII.

Mode of Calling a Convention, and Amending the Constitution of this State.

SECTION 37. The Legislature, by a vote of three-fourths of all the members of each House, with the approval of the Governor, shall have power to call a Convention of the people, for the purpose of altering, amending, or reforming the Constitution of this State. The manner of electing delegates to the Convention, the time and place of assembling them, to be regulated by law.

SEC. 38. The Legislature, at any biennial session, by a vote of two-thirds of all the members of each House, may propose amendments to the Constitution, to be voted upon by persons legally qualified to vote for members of the House of Representatives of this State, which proposed amendments shall be duly published, in the public prints of this State, at least three months before the next general election for representatives to the Legislature, for the consideration of the people. And it shall be the duty of the several returning officers of said general election, to open a poll for, and make return to the Secretary of State, of the number of legal votes cast at said election for and against said amendment; and if more than one be proposed, then the number of legal votes cast for and against each of them; and if it shall appear from said return, that a majority of the votes cast upon said proposed amendment, or amendments, have been cast in favor of the same, and two-thirds of each House of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment, or amendments, so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas: *Provided*, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays: *And provided further*, that the rule in the above proviso shall never be suspended by either of said Houses.

Received, to come up in its order.

Mr. Flanagan, in behalf of committee on Finance, made the following report:

To the Hon. J. W. Throckmorton, President of Convention:

The committee on Finance have had an ordinance for the per diem of the members and officers of the Convention. I am instructed by the committee to report the same back, with the following amendment, and to recommend the adoption of the same:

The members to receive eight dollars per day, and likewise eight dollars per day for every twenty-five miles traveled coming to and going from the Convention; and that the officers of the Convention shall also receive the same pay, eight dollars per day.

Received, to come up in order.

Mr. Dalrymple, chairman of committee on Indian Affairs, made the following report:

COMMITTEE ROOM, February 20th, 1866.

Hon. J. W. Throckmorton, President of Canvention:

The committee on Indian Affairs, to whom was referred the preamble and resolution urging the authorities at Washington to take immediate action in regard to the protection of the Indian frontier of this State, have had the same under consideration, and unanimously instruct me to report them back, and recommend their immediate adoption.

Mr. Slaughter moved that it be read a second time, and engrossed.

Carried.

On motion of Mr. Slaughter, rule suspended, read third time, and passed.

Resolutions being in order, Mr. Walker offered the following resolution:

Resolved, That the aggregate amount of debts hereafter contracted by the Legislature shall not exceed the sum of ——— dollars, (except in case of war, to repel invasion or suppress insurrection,) unless under the following instructions. That whenever a debt shall be contracted exceeding that amount, the law authorizing the same shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within thirty-three years, or such period of time, not less than eighteen years, as the Legislature may determine, from the time of the contracting thereof. On the final passage of such law in either House of the Legislature, the question shall be taken by yeas and nays, and be duly entered on the journals thereof. If no debt shall have been contracted in pursuance of such law, the Legislature may repeal the same; or if a portion of the debt authorized should have been contracted, the Legislature may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made full provisions to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the object or objects specified in the act authorizing such debt or liability, or to the re-payment of the same, and for no other purpose whatever. No part of the specific tax authorized by this section shall be appropriated or set apart for any other purpose whatever, but exclusively to the payment of the interest and principal of such debt.

Referred to committee on Finance, with instructions to fill up the blanks therein.

Mr. Flanagan offered the following resolution:

Resolved, That the committee on General Provisions of the Constitution be instructed to consider the propriety of amending Section 24, Article VII, of the Constitution, so as to read as follows:

"The Legislature may establish new counties, for the convenience of the inhabitants of such new county or counties, whenever, in the discretion of the Legislature, it may seem necessary and proper. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation."

Adopted.

Mr. Wilson introduced an ordinance relative to the statutes of limitation.

Read first time, and referred to committee on Judiciary.

Mr. Woods offered the following preamble and resolution:

Whereas, it has been the custom of the States of this Union, in some suitable and public manner, to avow a due sense of human obligation, to respect, as of Divine ordination, the day known as the Christian Sabbath. And

Whereas, no opportunity more appropriate can ever present itself for the people of this State to make a similar avowal of respect for that day than the present. Therefore:

Resolved, That the committee on General Provisions of the Constitution be requested to inquire into the propriety of engrafting in the Constitution of the State a provision requiring the Legislature to make suitable laws for its due observance.

Adopted.

Mr. Benge offered the following resolution:

Resolved, That, whereas, there is no provision in the present Constitution of the State of Texas providing for filling vacancies in the following offices by death, resignation, removal or otherwise: Be it therefore resolved, that in case of the death, resignation or removal of either of the following officers, viz: Judges of the Supreme Court, Judges of District Courts, Attorney General, District Attorneys, Commissioner of General Land Office, State Treasurer and Comptroller, and in case of the death, resignation or removal of District Clerks, the same shall be filled by appointments made by the Governor of the State, until the next general election shall take place.

Read first time, and referred to committee on Judiciary.

Mr. Lindsey offered the following resolution:

Resolved, That the committee on Condition of the State be requested to consider the propriety of requesting the President of the United States to grant a general amnesty and pardon, and report by resolution or otherwise.

Adopted.

Mr. Jones of Bexar offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized, under the direction of the committee on Contingent Expenses, to purchase a sufficiency of suitable carpeting to cover the front lobby of the Representative Hall. Adopted.

Mr. Henderson offered an amendment to Section 1, Article XIV, of the Constitution.

Read first time, and referred to committee on Judiciary.

The hour having arrived, the special order of the day, viz: Report of the committee on General Provisions of the Constitution, reporting a substitute for Article VIII of the Constitution, was taken up.

On motion, the Convention went into Committee of the Whole, on the substitute, Mr. Henderson in the Chair.

The committee rose, and reported progress, and asked leave to sit again to-morrow morning at 10 o'clock.

Report adopted.

The President of the Convention announced the death of the Hon. G. W. Smyth, of Jasper county.

Mr. Norton offered the following resolution:

Resolved, That this Convention has heard with unfeigned sorrow of the death of Hon. Geo. W. Smyth, delegate from Jasper and Newton, and that a committee of seven be appointed by the President, to draft suitable resolutions upon the subject, to be reported to-morrow morning at 10 o'clock.

Resolved, That this Convention, as a body, will attend the funeral of the deceased, and that a committee of three be appointed to make arrangements for the same.

Resolved, That as a token of respect for the memory of this eminent citizen of the State, this Convention stand adjourned till to-morrow morning at 10 o'clock.

The President announced the following as the committees, in conformity with the resolution:

Committee on Resolutions—Messrs. Norton, Taylor of Houston, Wilson, Johnson of Tarrant, Stuart, Latimer and Shaw.

Committee on Funeral Arrangements—Messrs. Hancock, Shepard and Walker.

Resolution adopted, and the House stood adjourned until 10 o'clock to-morrow morning.

THURSDAY, February 22d, 1866.

Convention met pursuant to adjournment. Roll called; quorum present; journal of yesterday read and adopted.

A communication was received from the Hon. Geo. C. Rives, Acting Comptroller, and, on motion of Mr. Allen, referred to the committee on Public Lands, without reading.

Mr. Frazier asked to be relieved from serving on the committee on Education.

Granted.

Mr. Hancock, chairman of the committee on Funeral Arrangements, made the following report:

The committee on Funeral Arrangements respectfully report, that all necessary arrangements for the interment of the body of the Hon. G. W. Smyth, dec'd, have been made. The funeral to take place from this hall, at 3, P. M. They recommend the following Programme:

1. Corpse.
2. Chaplain.
3. Governor of State and President of Convention.
4. Secretary of State and Treasurer.
5. Commissioner of General Land Office and Comptroller.
6. Judicial Officers of the State.
7. Federal Field Officers.
8. Members of the Convention.
9. Citizens.

And that the Hon. Wm. M. Taylor and Hon. M. T. Johnson act as Marshals of the Procession.

Respectfully submitted.

JOHN HANCOCK, Chairman.

Adopted.

Mr. Shields offered the following resolution:

Resolved, That a committee of three be appointed to procure the attendance of a Chaplain, for prayer at the opening of the daily sessions of this body.

Adopted.

The President announced the following as the committee:—Messrs. Shields, Johnson of Titus, and Davis of Webb.

Mr. Norton, chairman of a special committee made the following report:

AUSTIN, February 22, 1866.

To the Hon. J. W. Throckmorton, President of the Convention:

The special committee appointed for the purpose of drafting suitable resolutions in regard to the death of the Hon. George W. Smyth, of Jasper, delegate from the fourth representative district, respectfully submit the following report:

In the death of the Hon. George W. Smyth, of Jasper, we realize that Texas has lost one of her oldest and most useful citizens, whose name will ever be identified with the history of the State. Immigrating to this country at an early day, we find him acting as a Commissioner under the Mexican government; subsequently, attending the Consultation at San Felipe de Austin, and participating in its deliberations; a Signer of the Declaration of Independence; a Representative in the Congress of the Republic, and a Signer of the Constitution of the Republic of Texas. He afterwards was a member of the Board of Land Commissioners, discharging the onerous duties of detecting fraudulent claims, a Commissioner of the General Land Office, and a Representative in the Congress of the United States; in all of which positions he acquitted himself creditably, and to the entire satisfaction of the people of Texas.

He was one of the Deputies in the Convention of the People of the Republic of Texas, in 1845, and assisted in framing our State Constitution, and he had been chosen by his old neighbors and life-time friends, who best knew the soundness of his judgment and his great wisdom, to represent them in this Convention.

At this critical juncture, he was admirably qualified to act. Among all our delegates, there was not one of such enlarged experience—so cool, so thoughtful and discreet, so well calculated to act judiciously upon the great questions of the living present, and those upon which our State existence depends. Therefore,

Be it Resolved, by the People of Texas in Convention assembled, That, in the death of the Hon. Geo. W. Smyth, of Jasper, a delegate in this Convention, the State has lost one of her ablest statesmen, who, by a long career of public service, had established a reputation for honesty, integrity and ability, endearing him to every Texan heart, and that we regard his decease, at this important period, as a public calamity.

Resolved, That the delegates tender their heartfelt sympathies to the family of the deceased in their bereavement; and, as a further mark of esteem for their late associate, they will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Secretary to the family of the deceased.

Resolved, That the Convention stand adjourned till to-morrow morning at 10 o'clock.

Respectfully submitted.

In submitting the resolutions, Mr. Norton addressed the Convention as follows:

Mr. President:—As chairman of the committee, I may be indulged in making a few remarks in regard to the deceased, so far as his private character is concerned.

In the report, a recapitulation is made of the public positions he has occupied; but, Sir, it was not only as a public man that he was valued and esteemed. It was also as a private citizen, a neighbor and a friend, that he was cherished. Modest and unassuming, never thrusting his opinion on any man, always expressing himself decidedly when called upon to express an opinion, with no hesitation, no concealment, and no disguise, he passed through an eventful life in our State without having made a single enemy. He commanded respect and admiration by reason of his virtues. And, Sir, the loss of such a bright example is a public calamity.

When I left Jasper, Mr. Smyth was confined to his house, upon a sick bed. Two days before I left, the physician had stated that it was impossible for him to recover, and his decease was daily expected. It was the general wish and desire of the people in that section, that he should be present in this Convention; and, Sir, when I heard that his disease had taken a favorable turn, and that he was improving, I sent a request that he would be present at the assemblage of the people's delegates, even though he were here but for a day, that we might have the influence of his name in our deliberations, to give the same weight and character, by reason of his national reputation.

Upon making his first appearance here, he came to me and remarked that he had received my request, and that he had determined to attend this Convention. He said that he was greatly fatigued by reason of two nights' traveling in the stage, but trusted he would recuperate, and be able to attend the sittings of the Convention; that he had come here from a sense of duty he owed to the people of the State; and, Sir, it can truly be said, that he sacrificed his life for the public interests. But a short time in this hall, and but a few days with us, he took no active part in our deliberations. On the sessions of the committee on the Condition of the State, he was constant in attendance, and there, Sir, he preserved his uniform silence, taking no part in our discussions, but voting promptly upon every proposition that came up. In conversation, he expressed a desire that we should act harmoniously in this Convention, and take such a course as would result in the speedy restoration to our rights in the General Government.

After the majority of the committee had determined upon their report, annulling the ordinance of secession, he expressed his desire that I should place upon paper the views entertained by us upon this subject, and in a minority report bring the matter fairly before the Convention, and, Sir, he said he particularly wished to place upon record his views, and vote against secession, and then he would be content.

After making these remarks in conversation, he said to me that he felt better than he had since his arrival at the Convention. I was glad to hear of it. So we parted! A few hours passed by, and my friend's lamp of life was gone—the light of George W. Smyth was removed from our midst. How sudden! How unsuspected the summons came. What a shock! Well has it been said, "in the midst of life we are in death." This faithful public servant has finished his career! His mission is ended! He came here for the purpose of discharging his duty to his constituents and the people of the State, and as he had taken an active part in the Convention of the Republic of Texas, which caused her to be admitted as one of the States of the American Federal Union, he desired once again to have the proud satisfaction of seeing her recognized and acknowledged as a co-ordinate and an equal in that Union. A true friend of the Constitution and the Union, an ever true friend of our whole country has passed from among us, and a valuable citizen of the State of Texas is no more. It may be said of him truly, that he was an honest man. Honest George W. Smyth, thou art gone! It is but right that, as delegates of the people, we should give expression of the general regret and sorrow at his decease. May his virtues be emulated by us, and may his desire be fulfilled, that harmony should prevail in our deliberations, and wisdom influence our actions.

Judge Roberts addressed the Convention as follows:

Mr. President:—In the death of the Hon. George W. Smyth, one of the pillars of the old Republic of Texas has fallen. It reminds me that there are now but few men living who stood as compeers with him in this country in the days of my youth. Twenty-five years ago I knew him as one of the standards of the Republic of Texas; as one of the men who was looked up to by the people as a man of integrity, intelligence and influence, well qualified to support the doctrines of the Republic.

I, however, from want of words, must fail to convey to your minds a correct idea of the high estimation in which he was held by the people.

The great beauty of his character was, as has been remarked, in his private life. He was honest in all its senses! He was sincere! He was truthful! He was generous! He was endowed with a mind capable of grasping the great truths presented to it, which were necessary to control his action and the action of the citizens of the State. He collected and matured an amount of intelligence and information that few men in his situation in life have amassed. All in all, he was prepared to perform well his part in the different responsible positions he was called upon to occupy.

But in saying this, I convey but a faint idea of his character. The same thing may be said of many of the associates of his earlier days.

There was one peculiar principle of his character that deserves to attract our attention, because it is worthy of our own emulation in all time to come. It is that he never sought an office, and that his fellow-citizens thought him so worthy as to continually obtrude official position upon him. It is that he had no ambition to occupy these positions for mere position's sake, but, if I may be permitted so to express, an inordinate ambition to do his duty in every position of life.

I will relate one simple instance to illustrate his character:

Upon one occasion his fellow-citizens called upon him to become a candidate for the Legislature. On the morning of the election, as he was going from his residence to town,* he passed a neighbor's house, and the neighbor asked him:

"Where are you going?"

"I am going to town," answered he.

"What is to be done in town, to-day?"

"Nothing, I believe, but the holding of the election."

"Who are the candidates?"

"I believe my friends are running my name as a candidate."

"If that is the case, I will go to town with you, and vote for you."

His own neighbors did not know he was a candidate, but he was elected with an overwhelming majority. This gives some insight into his unobtrusive character.

When the country needed his services as Commissioner of the General Land Office, they had to send for him, and when he arrived at Austin, he came up in his farmer's homespun. I repeat, he had to be sent for. He did not come in advance to seek it!

In 1853, in Eastern Texas, there was a Democratic Convention held, for the purpose of nominating a candidate to represent that section of the State in the Congress of the United States. Opposing candidates were arrayed in hot contest for the nomination. George W. Smyth was at home on his farm. The strife rose to a high pitch, and continued for several days. The efforts of the opposing candidates failed to settle the dispute. Who is the man that *all* can agree upon to represent Eastern Texas in Congress? The answer was, George W. Smyth. He was the man, in whom *all* the people had confidence,—the man upon whom all could concentrate, as one well worthy and qualified to represent them in the Legislative Halls of the nation.

Thus he ever exhibited that modesty and unassuming demeanor which sought not preferment. He had qualities of mind and of heart that necessarily attracted attention, and forced position upon him.

Sir, he was not as one of those brilliant meteors that shoot across the firmament, and calls attention by its glare, and then dies away in darkness, but rather like a twinkling star, settled in its place and enduring in its position. His example will be worthy of all imitation, and should be taught to our sons and their children for all time to come, for their emulation.

Judge Latimer addressed the Convention as follows:

Mr. President:—It may be appropriate for me to make a few remarks upon the present occasion. My acquaintance with the deceased dates back to 1836. I met him for the first time in the Convention at Washington, on the Brazos, and, if not out of order, I would speak of the circumstances under which that Convention met. When Texas met in Convention on the first of March, she had a population of about thirty thousand. At that time the western frontier of the State was overrun by Santa Anna. Two alternatives were brought before the Convention. One was Texan Independence, and the other subjection to Mexican despotism. Possessing neither money nor means of warfare, the question must be decided, and on the second of March a declaration of independence was signed unanimously by the members of the Convention, and I well recollect the form and appearance of George W. Smyth, at that time. Sir, when his death was announced to me, I could but go back to that memorable day, and see him as then presented before the Convention. When called upon to go forward and sign his name, he did so deliberately and manly. There was no faltering. His step was firm, his form erect, and his nerves quiet within him. I feel it due to the memory of a friend to make this statement.

I would make another remark about that Convention. I presume no deliberative body ever met under such circumstances. To all human appearance, the cause of Texan independence was hopeless. How was it possible for thirty thousand to resist the overwhelming force brought against Texas? It goes to show that Smyth, with the others who were there, were men of nerve. Relying upon the justice of their cause, they made the delaration. The struggle was successful, and a nation was born. I met the deceased again in 1845, at the Capitol. I found him there, the same cool, quiet, deliberate man—conservative in everything. I have scarcely ever met with one that I would prefer to counsel with, for he was always a safe man. I have enjoyed his confidence when we have met, and I am proud to acknowledge it.

I met him here in this Convention, and the same deliberation, the same coolness, the same determination to do right and benefit his beloved State, I found pervading his heart and controlling his action.

I think he was one of the best men I ever met in my life. He has now left us. He has gone to that undiscovered country where you and I must go, and I hope his mantle will fall upon this Convention.

The resolutions were then adopted, the vote being taken by the delegates rising to their feet in silence, and the Convention adjourned until 10 o'clock A. M., to-morrow.

FRIDAY, February 23d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

On motion of Mr. Record, Mr. Harwood was excused, on account of sickness; and on motion of Mr. Saunders, Mr. Hill was also excused for the same reason.

Reports of committees being in order, Mr. Shields, chairman of the special committee to procure the services of a chaplain, made the following report:

FEBRUARY 23d, 1866.

Hon. J. W. Throckmorton, President of Convention:

The committee charged with the duty of procuring the services of a chaplain to attend at the opening of the daily sessions of this body, beg leave to report that they have procured the services of the Rev. T. McRae, in discharge of the duty assigned them.

Adopted.

Mr. Flanagan offered the following resolution:

1st. *Resolved*, That no forced sales shall be made by levy of execution for twelve (12) months from and after the adoption of this resolution.

2d. *Resolved*, That the Legislature may pass any remedial relief for the citizens of the State, that they may deem proper, not in conflict with the Constitution of the United States or the State of Texas.

Read first time, and referred to committee on Condition of the State.

Mr. Camp of Goliad offered the following resolution:

Resolved, That the committee on General Provisions of Constitution be instructed to inquire into the expediency of reserving from forced sale and execution the following property, in addition to the present exceptions, to-wit:

One additional horse or yoke of oxen, twenty head of hogs, twenty-five head of sheep, twenty head of stock cattle, one wagon; the proceeds of the farm, in addition to the year's allowance now exempted, not to exceed five hundred dollars.

Mr. Shepard moved to lay it on the table.

Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bradshaw, Hancock, Hart, Hurt, Jones of Bastrop, Lane, Ledbetter, Norris, Selman, Shepard and Thomas of Cameron—11.

Nays—Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Latimer, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Parker, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Young—67.

Lost.

Resolution adopted.

Mr. Wilson offered the following resolution:

Resolved, That this Convention will proceed to dispose of the business that may come before it, with all reasonable dispatch, and that in order to accomplish this purpose the Convention will meet at 9 o'clock, A. M., and remain in session until 2 o'clock, P. M., if there be sufficient business upon the President's table to require it; and should the business of the Convention demand it, the Convention will hold evening sessions.

Mr. Dickson moved suspension of the rules, in order to take up the resolution.

Carried.

Mr. Record moved to amend by striking out the word "two," and inserting "three."

Lost.

Resolution adopted.

On motion of Mr. Gentry, Mr. Allen was added to committee on Education.

Mr. Walker offered the following resolution:

Hon. J. W. Throckmorton, President of the Convention:

Resolved, That the Hon. Samuel Wilson be authorized and requested to draw the per diem pay and mileage to which the Hon. George W. Smyth of Jasper was entitled as a member of this honorable body, and that he be alike authorized to take charge of the money and effects of the deceased.

Mr. Frazier moved to amend the resolution so as to allow Mr. Wilson to draw pay for the family of the Hon. Geo. W. Smyth, for the whole session of this Convention.

Carried.

The resolution, as amended, was adopted.

Mr. Spaight introduced an ordinance prohibiting special legislation.

Read first time, and, on motion, laid over, to come up in order.

Mr. Norris offered the following:

Whereas, the northern and north-west frontier of the State has heretofore been, and now is, depredated upon by savage tribes of Indians; and it has become unsafe and dangerous to the citizens settled upon said frontier to remain longer; and many of the counties, heretofore settled, have been depopulated; and it is now evident that without efficient protection to life and property, the settlements upon the frontier must and will be broken up, and made still farther into the interior, to the great detriment not only of the citizens thus ruined, but to the interests of the whole State. Therefore:

Be it ordained by the people of the State of Texas, in Convention assembled, That the Governor of the State be, and he is hereby required, to make propositions, through a commissioner appointed by him, to the four civilized tribes of Indians living north of Red River, the Choctaws, Chickasaws, Cherokees, and Creeks, to cede to them, or any one or more of those tribes, the right to hunt upon the said territory of Texas, exclusive of all other Indians, except such as they may permit to hunt with them; upon condition that they, the said tribe or tribes, will guarantee protection to the frontier settlers, from depredators coming in or passing out through said territory and hunting ground. The hunting grounds to be occupied by said tribe or tribes to consist of the territory belonging to the State, lying above a line beginning at the mouth of the Pecos on the Rio Grande, and terminating at the lower corner of what is known as the Pan Handle, on Red River. Said commissioner shall be empowered to treat with any one or more of said tribes, for the purpose aforesaid, under instructions from the Governor of the State, but shall in no case enter into any stipulation with said Indians that will prohibit the extension of the frontier settlements, or the occupation of said territory by citizens, or soldiers, for all lawful purposes.

Be it further ordained, That the Governor of the State be required to appoint, immediately, a suitable man to repair at once to Washington City, to make known to the President and Secretary of War the true condition of the frontier of Texas, and to procure the consent of the General Government, for the State of Texas to enter into said treaty with said tribes of Indians, for the purpose hereinbefore mentioned; and also to press upon the consideration of the Government the urgent necessity of immediate action, in sending troops to occupy the line of posts heretofore occupied by United States forces, between Red River and the Rio Grande; who shall, while on his way to Washington, if he can do so without delay, see and confer with the commander of this military department, and urge upon him the necessity of occupying said posts immediately, with a sufficient force for the protection of the frontier.

Read first time, and referred to committee on Indian Affairs.

Mr. Varnell offered the following resolution:

Resolved, That the committee on the General Provisions of the Constitution take under consideration the propriety of striking out that portion of Article VII, Section 1, General Provisions of the Constitution, as relates to dueling:

Mr. Bumpass moved to lay on the table. Carried.

Mr. Jones of Bexar, in behalf of the minority of the committee on Condition of the State, made the following report:

COMMITTEE ROOM, February 23d, 1866.

To the Hon. J. W. Throckmorton, President of Convention:

The undersigned, a minority of the committee on the Condition of the State, to which were referred various ordinances and resolutions in relation to secession, beg leave to make this minority report:

We have given the important matter submitted to the committee that serious consideration which it deserves. Acknowledging with the majority of the committee the supremacy of the Constitution of the United States, we find in it no warrant of authority for the act of secession, either by express recognitiou or by implication, as a reserved right of the States, and can therefore come to no other conclusion than that the act of secession was a nullity from the beginning, as being intended to displace and overthrow the recognized supreme law of the land. Viewing secession as a revolutionary measure, the result of the struggle forces upon us the same conclusion. Abortive attempts at revolution never impress any changes upon the fundamental laws of a government.

The ordinance reported by the majority of the committee virtually asserts that the secession ordinance, and laws enacted under it, have a legal existence, and are rightfully of force up to this time. To this we cannot yield our assent, and it would, in the highest degree, prejudice our application for the resumption by our State of her constitutional relations with the Federal Government. It would not only be regarded as a claim of the right of secession, but the assertion of its success in principle, in the late attempt to enforce it by arms.

To annul it for the future, and declare that it shall have no further effect, is to assert that it is of legal effect, and that by it the supreme law of the land has been legally displaced, and remained so up to our action in this Convention.

The undersigned beg leave to report the accompanying ordinance as a substitute for the ordinance reported by the majority of the committee, and recommend its adoption in lieu thereof.

W. E. JONES,
J. F. JOHNSON,
A. B. NORTON,
R. H. TAYLOR,
J. B. THOMAS,
GEO. W. JONES.

AN ORDINANCE,

Declaring Null and Void the Ordinance of Secession.

We, the People of Texas, by delegates in Convention assembled, acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof, and disclaiming the right of secession, and recognizing an ordinance entitled "An Ordinance to dissolve the union between the State of Texas and the other States united under the compact styled 'The Constitution of the United States of America,'" adopted by a Convention, at Austin, on the first day of February, 1861, to be in contravention to the constitution of the United States, do ordain and declare the same to be null and void *ab initio.*

Received, to come up in order.

Mr. Henderson moved that the special order for the day lie over, in order that the Convention may go into the Committee of the Whole, to proceed to the consideration of the 8th Article of the Constitution, relative to African slavery. Carried.

The hour for adjourning having arrived, on motion of Mr. Saunders, the committee arose, reported progress, asked leave to sit again, and the Convention adjourned until 9 o'clock to-morrow morning.

SATURDAY, February 24th, 1866.

Convention met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present; journal of yesterday read and adopted.

Reports of committees being in order, Mr. Randolph made the following report from the committee on Engrossed and Enrolled Ordinances:

COMMITTEE ROOM, February 24th, 1866.

To the Hon. J. W. Throckmorton, President of the Convention:

The committee on Engrossed and Enrolled Ordinances have examined the preamble and resolutions calling the attention of the President of the United States to the present unprotected condition of our Indian frontier, and find the same correctly enrolled and properly signed.

BENTON RANDOLPH, Chairman.

Adopted.

Mr. Davis of Cherokee offered the following resolution;

Be it Resolved, by the delegates in Convention assembled, That the 4th Section of the 5th Article of the Constitution of the State of Texas be amended as follows: After the words, "in any term of six years," in the 3d line of said 4th section, insert the following, viz: "he shall be installed the second week of every regular session of the Legislature," &c.

Referred to committee on Executive Department.

Mr. Degener introduced an ordinance setting apart the public domain west of a line drawn from the mouth of the Rio Pecos to a point on Red river, near the north boundary of the most northern county; Section 2 withdrawing all of said lands from location and survey; Section 3 vesting power in the Legislature to cede all of said territory to the General Government, and setting apart the proceeds as a school fund.

Read first time, and referred to committee on Public Lands.

Mr. Degener, one of the committee on Legislative Department, submitted the following minority report:

COMMITTEE ROOM, February 24th, 1866.

Hon. J. W. Throckmorton, President Convention, Austin:

Mr. President: Disagreeing with the majority of the committee to whom the subject of the Elective Franchise was referred, I proposed to the committee the following amendment, to be inserted after the first section:

"From and after the 4th of July, 1866, every male citizen of the United States, who shall have attained 21 years of age, or become a naturalized citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months in the district, county, city or town, in which he offers to vote, and who shall be able to read and write the English or his native language *understandingly*, shall be deemed a qualified elector."

This being rejected, a further amendment was offered, substituting 1876 for 1866, which was also rejected. Then followed another proposition, to amend the original resolution, so as to make it read, "From and after the 4th day of July, 1866, every male citizen of the United States *born free*," &c., which shared the same fate of the preceding amendments; so that, not being able to agree with the majority of the committee, I beg leave to offer the following minority report:

The majority of the committee on the Legislative Department, to which was referred that part of the Constitution defining the qualifications of electors, having reported in favor of re-adopting that part of the old Constitution which deprives Africans and their descendants of the right of suffrage, I respectfully beg leave to present the following objections to the majority report:

The fundamental principles upon which the American system of government was founded are, 1st. The civil and political equality of all men.

2d. That they are endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness.

3d. That, to insure these rights, governments are instituted among men.

4th. That governments derive their just powers from the consent of the governed.

These fundamental principles of American liberty constitute the basis of the Bills of Rights, which, under various modifications, pervade all our constitutional charters. The doctrine, that the foundation of all free government was the right of the *people* to participate in the legislative power, and in the organization of governments, was universally accepted by the early American statesmen, and the framers of the Federal Constitution were careful to confide all power to the *people*, and to provide for the protection of the *whole* people. To illustrate this, it is only necessary to refer to the Constitution itself. In the 2d Sec. of Art. I, the organization of the House of Representatives is provided for as follows: "The House of Representatives shall be composed of members chosen every second year, by the *people*," &c. And still later, when the Constitution was amended, the rights of the *people* were not forgotten, but protected by new safeguards, as may be seen by the following Articles:

"ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the *people* peaceably to assemble, and to petition the government for a redress of grievances."

"ART. 2. A well regulated militia being necessary to the success of a free state, the right of the *people* to keep and bear arms shall not be infringed."

"ART. 4. The right of the *people* to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated."

"ART. 9. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the *people*."

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it, are reserved to the States respectively, or to the *people*."

The founders of the Republic of Texas, acknowledging the right of the *people* to govern, declare in their Bill of Rights that "all political power is inherent in the *people*, and that all free governments are founded on their authority, and instituted for their benefit."

As the people of Texas have declared their belief in this doctrine, and assuming that this Convention will reaffirm it, it remains for us, in framing our organic law, to see to it that every section shall harmonize with these great and acknowledged principles of human liberty.

If all political power is inherent in the people of Texas, by what authority can we prohibit any portion of the people from the free exercise of that most important of all political power, *the right of suffrage*, as is proposed by the report of the majority, which, if adopted, would forever exclude a large portion of the people of Texas from any participation in the affairs of the government; against which injustice I hereby solemnly protest.

In demanding the right of suffrage for the colored citizen of our State, I do not ask for the establishment of any *new* principle, or any untried experiment, but that we give practical effect to our own theory of government, by returning to the usages adopted by the founders of the American republic. Under the Articles of Confederation, Congress acted directly upon the subject of suffrage, in the organization of territorial governments, which were to result in State governments. The celebrated ordinance of the 3d of April, 1784, drafted by Jefferson, authorized the "free males of full age," without distinction of color, to take part in forming these governments; and the still more famous ordinance of July 13th, 1787, vested the right of suffrage in all the "free male inhabitants of full age," who had certain qualifications of freehold or residence. It is also true, that under the Articles of Confederation, and long subsequent to the adoption of the Federal Constitution, the free colored man was a voter, and that the framers of the Constitution intended by the word "*people*," all classes and complexions. In proof of this, it is only necessary to refer to the Journals of the Convention which adopted the Articles of Confederation, which record the fact that, when the 4th Article was under consideration, which proposed that the "free inhabitants of each of these States shall be entitled to all privileges and immunities of free citizens in the several States," the delegates from South Carolina moved to insert the word *white*, so as to make it read "*free white inhabitants*," that only two of the eleven States represented voted to sustain the motion. South Carolina, thus signally defeated, tried another expedient to accomplish the same object, and again failed, thus placing upon an imperishable record their consistency, and their determination to make no invidious distinctions between races or colors.

It is also an important historical fact, that at the time of the adoption of the Federal Constitution, there was but *one* State, (South Carolina,) whose Constitution distinguished in this respect against the colored man.

The Constitution of Massachusetts provided that every male person, being 21 years of age, and possessing certain property qualifications, should have the right to vote.

The Constitution of New York gave the right of suffrage to every male inhabitant of full age, with certain property qualifications.

In New Jersey, the Constitution provided that *all* inhabitants of the colony, who were of full age, and worth fifty pounds, were entitled to vote.

The Constitution of Pennsylvania allowed that every freeman, of 21 years of age, who had paid taxes, should enjoy the right of an elector.

In Maryland, the right to vote was extended to *all freemen* who possessed a certain amount of property.

Virginia and Delaware gave the right of suffrage to *all* men who had a common interest with and attachment to the community.

The Constitution of North Carolina provided that *all freemen* who had paid taxes should be entitled to vote.

Georgia made electors of all citizens and inhabitants who paid taxes.

The colonial charters of Rhode Island and Connecticut made no distinction on account of color or race.

The Constitution of Tennessee provided that every freeman who possessed a freehold should be entitled to vote; and for nearly forty years, the colored man of Tennessee exercised the elective franchise.

The Legislature of Colorado, at its first session, in 1861, passed a law, establishing the qualifications of voters, making no distinction of color or race.

Thus I have presented undoubted historical evidence that the founders of our republic, and of the individual States composing it, practically enforced their theory, (so eloquently expressed in the Texas Declaration of Rights, that "all political power is inherent in the people,") by giving to the whole people, without distinction of color, equal political rights and privileges.

Under the Constitution the free colored man continued to exercise the right of suffrage, until the slave system had acquired sufficient power to effect, by its insidious diplomacy, a radical change in the organic law of nearly every State, disfranchising a large portion of the people, who were thus deprived of that political power, which had been the boast of our Fathers, and which was the chief corner stone of American liberty; but now that slavery has been blotted out by the blood of the nation, it is but just and reasonable that the rights of the people should be restored to them.

The Federal Constitution stipulates, that "the United States shall guarantee to every State in this Union a republican form of government."

That it may be clearly understood what Congress considers a republican form of government, I respectfully beg leave to submit the following extracts from a series of resolutions, lately presented to the Senate of the United States, which clearly indicates the line of our duty, and the course we *must* pursue in order to be admitted to the Union.

The preamble and resolution read as follows:

"Resolutions declaring the duty of the United States to guarantee republican governments in the rebel States on the basis of the Declaration of Independence, so that the new governments shall be founded on the consent of the governed, and the equality of all persons before the law.

"*Resolved*, That it is the duty of the United States, at the earliest practicable moment, consistent with the common defense and the general welfare, to re-establish, by act of Congress, republican governments in those States where loyal governments have been vacated by the rebellion, and thus to the full extent of their power fulfil the requirement of the Constitution, that "the United States shall guarantee to every State in this Union a republican form of government."

"That in determining the extent of this duty, and in the absence of any precise definition of the term 'republican form of government,' we cannot err if, when called to perform this guarantee under the Constitution, we adopt the self-evident truths of the Declaration of Independence as an authoritative rule, and insist that in every re-established State, the consent of the governed shall be the only just foundation of government, and that all persons shall be equal before the law."

"That independent of the Declaration of Independence, it is plain, that any duty imposed by the Constitution, must be performed in conformity with justice and reason, and in the light of existing facts; that therefore, in the performance of this guarantee, there can be no power under the Constitution to disfranchise loyal people, or to recognize any such disfranchisement.

"That the United States, now called at a crisis of history to perform this guarantee, will fail in duty under the Constitution, should they allow the re-establishment of any State, without proper safeguards for the rights of all the citizens.

"That the path of justice is also the path of peace, and that for the sake of peace, it is better to obey the Constitution, and in conformity with its requirements, in the performance of the guarantee, to re-establish State governments on the consent of the governed and the equality of all persons before the law, to the end that the foundation thereof may be permanent, and that no loyal majorities may be again overthrown or ruled by any oligarchical class."

The amendment proposed by the majority report, tried by this test, falls fatally short of its requirements. It not only disfranchises nearly one half of the loyal citizens of this State, but makes this disfranchisement perpetual, hereditary and insurmountable. It clings to each man and his posterity forever, if there be a traceable thread of African descent. No achievements of war or peace, no acquisition of property, no education, no mental power or culture, no merits can overcome it.

Texas, as an independent Republic, and as a State of the Union, has tested the value of the constitutional provision now under consideration, and the result has been the perfect demonstration, that the system is essentially and practically oligarchical, in such a sense as actually and seriously to have endangered the public peace, and the success of republican institutions.

Suppose now, with the lights thus afforded us, we adopt the report of the majority, and incorporate into our Constitution a provision disfranchising a large portion of the loyal citizens of the State, and with that instrument in our hands, ask to be admitted into the Union, could we have a reasonable hope of success? Does any man believe that Congress would be so unmindful of its duty and its pledges, as to admit us with a Constitution so far behind the spirit of the age and the demands of the nation, in view of the changed condition of affairs, besides being so unjust and so entirely anti-republican?

Another objection to the report of the majority is based upon the fact that if we refuse to enfranchise the freedman we reduce our representation in the Congress of the United States, and thus materially weaken our political power.

The Congressional Joint Committee on Reconstruction have agreed to the following amendment to the Constitution of the United States:

"Article — Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians, not taxed; *provided*, that *whenever the elective franchise shall be denied or abridged in any State, on account of race or color, all persons of such race or color shall be excluded from the basis of representation.*

This amendment, or some act equivalent to it, will undoubtedly pass, and become a law. As an amendment to the Constitution, its ratification by three-fourths of all the States in the Union will be required; and judging by the tone of the northern press, and by other indications of public sentiment north and west, its ratification will be certain.

The provisions of this amendment would apply to all States where suffrage is based on color, whether north or south, although practically the effect would be felt only in the late slave States. If the colored men of the South are *all* counted in to measure the right of representation, and are then all disfranchised, the whites in the late slave States will be represented in Congress by *thirty-three* more members than an equal number of whites in the northern States. This would be unjust, because unequal, and will not be permitted. On the contrary, if we enfranchise our blacks, and they are then included in the basis of representation, we shall go back into the Union with *thirteen* more representatives than we were entitled to before the abolition of slavery.

Again, if the Southern States should follow the example which Texas is about to present, and refuse to enfranchise the negro, and he is therefore excluded from the basis of representation, we shall return to the Union with an immense loss of political power in the House of Representatives, having at least *twenty* members less than we were entitled to before 1861.

When Texas was a member of the Union, three-fifths of her slave population were represented in Congress, and it is now for us to determine by our own acts whether we will have our entire population included in the basis of representation, thus increasing the political power of the State, or diminishing it by allowing nearly one-half of our inhabitants to go unrepresented.

We are reminded by His Excellency, Gov. Hamilton, in his late message, that "by the voice of the American people, assuming the form of constitutional law, slavery has been abolished," and he suggests that this radical change should be fully recognized in the amended Constitution, by providing for the new conditon of the freedmen, by giving them civil and political rights on an equality with the white population of the State, and that the enjoyment of these privileges should not depend upon the accident of birth or color, and that, should "we fail to make these political privileges depend upon rules of universal application, we will be betrayed into the error of legislating under the influence of ancient prejudice," and that any system of laws intended to deprive the colored race of the actual fruits of liberty will meet with resistance from the Congress of the United States.

The report of the majority entirely ignores these words of wisdom and of patriotism. Instead of conforming to the new condition of affairs, it presents for our acceptance a pro-slavery provision of the Constitution adopted in 1845, and retained in the amended Constitution of 1861.

The former Constitutions of Texas were framed so as to protect the institution of slavery, and therefore consistently deprived the colored man of the rights pertaining to citizenship; but now that slavery is abolished, our relations to the colored race are materially changed. Those who were lately slaves, having "no rights which a white man was bound to respect," are now freemen, entitled to all the rights and privileges of American citizens. Under the slave system these people enjoyed the protection of their masters, whose interest impelled them to surround their property by all necessary safeguards; but now this protection is withdrawn, and henceforth their grievances are to be redressed by the law, and their rights maintained by our courts. Born upon the soil, and attached to it by a variety of associations and interests, they will, despite our desires or our efforts to the contrary, remain with us. As the cloud of ignorance and oppression by which they have so long been overshadowed is gradually dispelled by education and the change in public sentiment, they will enter into all the industrial aud businesss pursuits of our people, and thus become a power in the State, whose presence and influence cannot be ignored. Our own interest therefore imperatively demands that we should deal justly by these people, that our laws should afford them ample protection, that we should extend to them the hand of kindness, encourage their efforts towards elevation, and do whatever may be necessary to make them good and useful citizens, lest they become a pest and a scourge to society.

To extend to the freedmen the right of suffrage would elevate them in their own estimation, give them increased importance in every community, and would extend over them a shield so broad that it would effectually protect them against wrongs and oppressions to which they would otherwise be subjected.

The colored people of our State constitute an important part of the body politic. As citizens they will be called upon to sustain an equal share of the public burthens; in common with other members of the community, they will be taxed to support the government, and to pay their share of the debt incurred for their emancipation; as property holders, they will have a permanent interest in the welfare of the State, and if ever the necessity should arise, they will be required to shed their blood in defence of our common country. Who then will say that they should be deprived of the rights of citizenship?

It has been suggested that the mass of our colored people, because of their ignorance, and want of education, are unfit to exercise the right of suffrage. The same objection can with equal force be urged against a certain class of white men, but no one pretends, in their case, that the objection is valid; and if we would avoid class legislation, we must make the same rule apply to both.

If this objection be good as applied to the present generation of blacks, it cannot apply to the next, or to future generations, because the General Government, through the agency of the Freedmen's Bureau, has already amply provided for their education, and when this Bureau shall have been withdrawn, our own school system will continue the work so auspiciously commenced, and as we are legislating for generations to come, this objection is without force, and unworthy of further consideration.

We are also met with the objection that if we enfranchise the negro, white men, and especially his late master, will control his vote. With this we have nothing to do. It is *our* duty, and *our* business, to give him the right of suffrage, and *his* to exercise it as he pleases. White men are usually divided into political parties, and if they have the control of colored voters, the colored vote will be divided, and if the whites vote all together, they will be no stronger if the colored men vote with them.

On large plantations, the relation of employers and employed may occasionally operate to give the planter some undue control over the laborers. So it was formerly but falsely said that wealthy capitalists, who employed a large number of workmen, held them in political bondage, but no one ever suggested this as a reason why they should be disfranchised; but if the late slave-holders really believe they can control the votes of their emancipated slaves, I appeal to them to sustain my views, that they may avail themselves of this new and important element of political power.

It is sometimes urged with apparent solemnity, that if the negro is enfranchised, it would result in a war between the two races. All the bloody feuds between the white and black races, of which history gives any account, were the result of injustice and oppression at the hands of the superior race. Men are not apt to make war upon their friends, or upon those who have conferred great and lasting benefits upon them; but the history of the human race is full of bloody illustrations to the contrary. Wrongs and injustice may be submitted to for a time, but the hour of retribution is certain to come: therefore, if we would live in peace and harmony with the colored race, from which we cannot be separated, and whose destiny is so indissolubly interwoven with our own, we must do them no wrong, practice no injustice upon them, but, being the superior race, protect them from all harm, and bestow upon them every right and privilege which their changed condition justly demands.

These people were called upon to defend with their lives the integrity of the Union, and thousands of them are still under arms, ready to perish in defence of their native land; and they are now every where clamoring for the right of suffrage. The last battle in Virginia had scarcely ceased before they held conventions in Petersburg, Richmond and Alexandria, declaring by resolutions their desire and their right to vote. Their example was soon followed by the colored men of Tennessee, Mississippi, Alabama, North and South Carolina, and Louisiana, who, in large conventions, have demanded the same right. Their petitions to Congress are of daily occurrence, while, at the same time, they are maintaining, at the seat of government a large and talented delegation of black men, for the purpose of urging their claims upon Congress and the President. Since the discussion on this subject has commenced, Congress has, by an overwhelming majority, passed a law giving unconditional suffrage to the colored people of the District of Columbia.

Thus has the agitation of this question been commenced and carried forward, with extraordinary vigor. Those who demand this right are counted by millions; and let no man suppose that the agitation will cease, or that its fervor or intensity will abate, until their claims are satisfied.

Let us, then, learn wisdom from the history of the past, and, without compulsion from any quarter, cheerfully accord to our own freedmen rights and privileges long unjustly withheld, thus insuring our peace and prosperity, and their gratitude and friendship for evermore.

In consideration of the importance of this subject, and the views herein presented, I respectfully beg leave to offer the following resolution: That so much of the report of the committee as relates to the right of suffrage be referred to a select committee, with instruction to report an amendment to provide for the *prospective* admission of the freedmen to the right of suffrage.

E. DEGENER.

Read, to come up in order.

Mr. Taylor of Houston made the following report from the committee on Education:

COMMITTEE ROOM, February 23d, 1866.

Hon. J. W. Throckmorton, President of the Convention:

The committee on Education, to whom were referred various resolutions asking information in relation to the amount and condition of the common school fund, and the amount of lands set apart for school purposes, &c., have had the same under consideration, and instruct me to report that there is now due and belonging to the Common School fund as follows, to wit:

Balance due upon principal of railroad companies, in bonds,	$1,753,317	00
Interest due on same, to March 1, 1866,	300,614	90
Total amount due by railroads,	2,053,931	90
" " " on land sales,	158,409	32
School Fund,	1,139,651	24
Whole amount of School Fund,	3,351,992	46

The State is indebted to the University Fund as follows, viz:

To U. S. Bonds,	$100,000	00
Interest on the same,	9,888	92
Amount received on account of University lands sold,	197,798	12
Total amount of University Funds,	$397,686	04

The several Counties in the State are entitled by law to four leagues of land each, for school purposes. 82 counties have received patents for the full amount of their lands; 23 counties only a portion, and 51 counties none at all. Acres of University lands located, 220,866; acres sold, 58,683; total amount University lands located and unsold, 162,183 acres.

I am also instructed by a majority of said committee to report, that they have carefully, and with great deliberation, examined the 10th Article of the Constitution of the State of Texas, as adopted in 1845, and recommend the adoption of the accompanying ten Sections, in lieu of the four Sections as they now stand in said 10th Article of said Constitution; and they also recommend the adoption of the accompanying ordinance to secure the payment, by the State, of the funds due to the common school and university funds. All of which is respectfully submitted.

Received, to come up in order.

Mr. Taylor of Houston also introduced the following

ORDINANCE,

To provide for the Payment, by the State, of the Sums of Money due the Perpetual Public School Funds:

SECTION 1. The Legislature, at its first session, shall provide that the Governor shall cause to be issued the Coupon Bonds of the State, to an amount equal to the sum now due the perpetual public school fund by the State, said bonds to be placed to the credit of the school fund; these bonds to draw interest at a rate of not less than six per centum per annum; and also to provide, in like manner, for the payment of the sum due the university fund by the State. The bonds issued as above provided for shall bear interest from the date of their issuance.

Read first time.

Mr. Taylor of Houston moved a suspension of the rules, in order that the report might be taken up.

Carried.

And he further moved, that 300 copies be printed, and made special order for Tuesday next, at 11 o'clock.

Carried.

Mr. Hancock made the following report from committee on General Provisions of the Constitution:

Hon. J. W. Throckmorton, President of Convention:

The committee on General Provisions of the Constitution instruct me to report to the Convention, that they have had under consideration the expediency of reserving from forced sale and execution the different kinds of personal property specified in the accompanying resolution; and that it is the opinion of the committee, that inasmuch as the Constitution, by Sec. 22, Art. VII, provides that "the Legislature shall have power to protect, by law, from forced sale, a certain portion of the property of all heads of families," therefore a sufficient and wiser remedy is afforded already, than could be provided by the regulation of the subject in the organic law of the land; for which reason they are of opinion that it is not expedient that any change be made in the principle contained in the Constitution on this subject as quoted above.

Received, to come up in order.

On motion of Mr. Hart, the Convention went into committee of the whole, to take into further consideration the report of the committee on General Provisions of the Constitution, relative to Art. VIII of the Constitution.

On motion of Mr. Throckmorton, the committee rose, and asked leave to be discharged from further consideration of the subject.

On motion of Mr. Gentry, the Convention adjourned until 7 o'clock this evening.

7 O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The question was on the adoption of Mr. Roberts' substitute for the amendment of Mr. Slaughter's.

Mr. Throckmorton moved to amend by adding "all" after the word "person," in the seventh line of Sec. 2.

Mr. Roberts accepted the amendment. Thereupon the substitute was adopted.

Mr. Davis of Webb moved to strike out all from word "involving," in second line, to word "property," in third line inclusive. Also, all from words "The Legislature" to the end.

Lost.

Mr. Jones of Bexar moved to amend as follows:

SEC. 2. Africans, and descendants of Africans, shall not be prohibited or excluded on account of their color or race as witnesses in any case, civil or criminal, as to facts occurring subsequent to the 19th of June, 1865; the credibility of their testimony to be determined by the court or jury hearing the same.

Mr. Waul moved to strike out after the word "facts," to "five," inclusive, and insert "hereafter occurring."

Mr. Jones accepted the amendment.

Mr. Spaight offered the following as a substitute for Mr. Jones' amendment:

SUBSTITUTE FOR SEC. 2.

SEC. 2. It shall be the duty of the Legislature, at its next session, and from time to time thereafter, to pass such laws as will protect the freedmen of this State in the enjoyment of all their rights of person and property, and guard them and the

State against the evils that may arise from their sudden emancipation.

The Yeas and Nays being called for on the adoption of substitute, stood thus:

Yeas—Messrs. Bryan, Burke, Camp of Upshur, Giddings, Mabry, Middleton, Parsons, Perry, Randolph, Saufley, Slaughter, Spaight, Waul, and Williams—14.

Nays—Messrs. President, Allen, Armstrong, Ball, Beall, Benge, Bumpass, Camp of Goliad, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gentry, Gurley, Hart, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Nelson, Norton, Norris, Paschal, Phillips, Porter, Ranck, Record, Richardson, Roberts, Saunders, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thomas of Cameron, Tyus, Varnell, Walker, Whitfield and Young—60.

Lost.

Mr. Mabry moved to strike out Section 2.

Mr. Parsons moved to amend by striking out all after the word legislation, in sixth line in Section 1; which Mr. Mabry accepted as a part of his amendment.

Mr. Armstrong moved to adjourn until 9 o'clock to-morrow.

Lost.

Mr Henderson moved to lay Mr. Mabry's amendment on the table.

Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. President, Allen, Armstrong, Benge, Bryan, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Giddings, Gurley, Hart, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Paschal, Perry, Phillips, Ranck, Record, Richardson, Roberts, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Young—60.

Nays—Messrs. Anderson, Ball, Beall, Burke, Camp of Upshur, Clements, Mabry, Norris, Parsons, Porter, Randolph, Saufley, Selman, and Thompson,—15.

Laid on the table.

Yeas and Nays were ordered on Mr. Jones' substitute to Mr.

Roberts' amendment, and stood thus:

Yeas—Messrs. Camp of Goliad, Davis of Webb, Degener, Flanagan, Hart, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, McCormack, Murchison, Norton, Parker, Paschal, Ranck, Shields, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Waul and Young—22.

Nays—Messrs. President, Allen, Anderson, Armstrong, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lane, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Richardson, Roberts, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Tyus, Walker, Whitfield and Wilson—51.

Rejected.

Mr. Degener offered the following amendment:

No person shall be excluded from giving evidence, on account of his race or color.

Laid on the table, on motion of Mr. Henderson.

Mr. Roberts moved to adjourn.

Motion lost.

Mr. Davis of Webb moved to adjourn until 9 o'clock Monday morning.

Yeas and Nays ordered, and stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Beall, Benge, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Hart, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Nelson, Parker, Parsons, Paschal, Perry, Ranck, Selman, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Walker and Waul—35.

Nays—Messrs. President, Anderson, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Frazier, Gentry, Giddings, Gurley, Hunt, Ireland, Lindsey, Mabry, Middleton, Norton, Norris, Phillips, Porter, Randolph, Record, Richardson, Roberts, Saunders, Saufley, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Tyus, Whitfield, and Wilson—37.

House refused to adjourn.

On motion of Mr. Davis of Webb, a call of the House was ordered.

Call suspended.

Mr. Smith of Colorado moved to reconsider the vote adopting the rule in relation to meeting and adjournment of the Convention.

Mr. Throckmorton moved to lay on the table until Monday morning.

Carried.

On motion of Mr. Parsons, Convention adjourned until 9 o'clock Monday morning.

MONDAY, February 26th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

On motion of Mr. Record, Mr. Harwood was indefinitely excused, on account of sickness.

On motion of Mr. Shields, Mr. Jones of Bexar was excused for the same reason, until to-morrow morning.

Mr. Drake offered the following resolution:

Resolved, That members of this Convention be allowed to speak but fifteen minutes, only, and but once on any one question.

Laid over one day, for consideration.

The Convention proceeded to the consideration of Mr. Roberts' amendment to the 2d Section of the ordinance to amend the 8th Article of the Constitution.

Mr. Waul moved to add to the Section, "as to facts hereafter occurring." Lost.

Mr. Smith of Colorado offered the following amendment:

Provided, That in all civil cases in which they may be heard to testify as witnesses against a white person, it shall be in open court, and only as to matters that may occur hereafter. The Legislature shall have power to authorize them to testify as witnesses in all cases, subject to the general rules of evidence applicable to all races of men.

Lost.

Mr. Gentry offered the following amendment:

Insert after the word "witnesses," in the 2d Section, the words "orally, and to all facts occurring after the passage of this ordinance."

Mr. Throckmorton moved to lay the amendment on the table.

Carried.

Mr. Ireland moved to re-commit the whole subject to the committee on General Provisions of the Constitution, with instructions to report as soon as possible. Lost.

Mr. Throckmorton moved to amend by adding at the end of the 2d Section the words "as to facts hereafter occurring."

Adopted.

Mr. Frazier offered the following substitute for 2d Section:

"It is declared that race or color shall not affect the competency of a witness in this State, in any matter hereafter occurring."

Mr. Henderson moved to lay the substitute on the the table.

Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. President, Allen, Armstrong, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Ledbetter, Lindsey, Middleton, Murchison, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson and Woods—58.

Nays—Messrs. Camp of Goliad, Davis of Webb, Degener, Flanagan, Frazier, Hart, Jones of Bastrop, Latimer, Mabry, McCormack, Norton, Parker, Paschal, Saunders, Shields, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, Waul, and Young—21.

So the substitute was laid on the table.

The question recurring on the adoption of Mr. Roberts' amendment, Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. President, Allen, Anderson, Armstrong, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Gurley, Halbert, Hancock, Hart, Henderson, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Parsons, Paschal, Perry, Record, Reeves, Richardson, Roberts, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield and Woods—64.

Nays—Messrs. Ball, Clements, Frazier, Giddings, Hill, Hunt, Ireland, Norris, Parker, Phillips, Porter, Runnels, Saunders, Saufley, Selman, Wilson and Young—17.

Adopted.

Mr. Norton offered the following substitute for the ordinance:

ARTICLE VIII.—FREEDMEN.

SECTION 1. African slavery, as it heretofore existed, having been terminated within this State, by the Government of the United States, by force of arms, and its re-establishment being prohibited by the amendment to the Constitution of the United States, it is declared that neither slavery nor involuntary servitude, except for the punishment of crime, whereof the party shall be duly convicted, shall exist in the State; all persons shall be protected in their rights of person and property, by appropriate legislation; and the courts shall be open to all alike, for the redress of grievances and wrongs.

SEC. 2. All persons shall have the right to testify in any case, civil or criminal; the credibility of their testimony to be determined by the court or jury hearing the same.

Mr. Wilson moved to lay the substitute on the table.

On motion of Mr. McCormack, a call of the House was ordered.

Call suspended, and the Yeas and Nays were ordered on the motion to lay the substitute on the table, and stood thus:

Yeas—Messrs. President, Allen, Anderson, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Hurt, Ireland, Lindsey, Middleton, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Walker, Whitfield, Wilson and Woods—54.

Nays—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hancock, Hart, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Murchison, Norton, Parker, Paschal, Ranck, Shields, Shuford, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Waul and Young—28.

So the substitute was laid on the table.

Mr. Hunt offered the following:

Amend 2d Section by inserting the word "orally," after the word "testify," in the 2d line.

Mr. Hart moved to lay the amendment on the table, and the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Hancock, Hart, Hurt, Johnson of Titus, Jones of Bastrop, Lane, Ledbetter, McCormack, Murchison, Nelson, Paschal, Ranck, Roberts, Saunders, Shields, Shuford, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Young—28.

Nays—Messrs. President, Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Johnson of Tarrant, Latimer, Lindsey, Middleton, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Woods—51.

Lost.

The amendment was then adopted.

Mr. Paschal offered the following amendment to 2d Section:

After "to," first word, third line, insert, "or crime against." Strike out "or," before "injury," second line.

Adopted.

Mr. Phillips offered the following substitute:

ARTICLE VIII.

Be it ordained, That slavery having been determined by the Government of the United States, by force of arms, and its reestablishment being prohibited by the amendment to the Constitution of the United States, neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, exists in this State.

Freedmen and their descendants shall be allowed to acquire, hold and transmit, by purchase, sale and descent, personal and real estate, and shall be protected in their persons and property by the general laws of the land. They shall be allowed to testify, orally, under the general rules of evidence, in cases in which one of them is a party, as to facts hereafter occurring; and the Legislature may extend this provision at their discretion.

All ordinances, and Legislative enactments, on the subject matter of slaves and free persons of color, heretofore passed, are hereby annulled.

Mr. Frazier offered the following amendment:

It is declared that involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in this State; and freedmen and their descendants shall be protected in their rights of person and property, by appropriate legislation; they shall have the right to contract and be contracted with; to sue and be sued; to acquire, hold and transmit property, real, personal and mixed, and be subject to no penal laws based upon inequality or distinction of race.

Question being upon the adoption of the amendment, the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Camp of Goliad, Clements, Davis of Webb, Degener, Flanagan, Frazier, Hart, Johnson of Titus, Latimer, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Saunders, Shuford, Taylor of Fannin and Thomas of Cameron—19.

Nays—Messrs. President, Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Dickson, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Lane, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson, Woods and Young—56.

The House refused the amendment.

On motion of Mr. Taylor of Fannin, the main question was ordered by the following vote:

Yeas—Messrs. President, Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Gentry, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Lane, Lindsey, Nelson, Norton, Norris, Parker, Perry, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Thompson, Tyus, Varnell, Walker, Waul, Wilson and Woods—56.

Nays—Messrs. Armstrong, Clements, Davis of Webb, Degener, Dickson, Flanagan, Frazier, Giddings, Hart, Jones of Bastrop, Latimer, Mabry, McCormack, Middleton, Murchison, Parsons, Paschal, Porter, Ranck, Saunders, Selman, Shuford, Smith of Colorado, Thomas of Cameron, Whitfield and Young–26.

Adopted.

The question being the engrossment of the ordinance, the same was put, and the ordinance ordered to be engrossed.

Mr. Throckmorton moved to suspend the rule, so as to take up the ordinance, and re-commit to the committee.

Lost.

Mr. Allen offered the following resolution:

Resolved, That the committee on Finance be instructed to take under its consideration the whole subject of the public debt of the State, and report such ordinances, in reference to the same, as may be deemed proper.

Adopted.

Mr. Throckmorton moved to reconsider the vote fixing the hours of meeting and adjourning.

Carried.

Mr. Norton moved to strike out 9 o'clock, and insert 10 o'clock, and strike out 2 o'clock.

Carried.

On motion, the House adjourned until 10 o'clock to-morrow morning.

TUESDAY, February 27th, 1866.

Convention met pursuant to adjournment. Prayer by the Chaplain; Roll called; quorum present; journal of yesterday read and adopted.

Mr. Shepard made the following report from the committee on the General Provisions of the Constitution:

COMMITTEE ROOM, February 26th, 1866.

To the Hon. J. W. Throckmorton, President of Convention:

The committee on General Provisions of the Constitution, to whom was referred a resolution requesting the committee to inquire into the propriety of engrafting in the Constitution of the State a provision, requiring the Legislature to enact suitable laws for the observance of the day known as the Christian Sabbath, have had the same under consideration, and a majority of said committee instruct me to report:

That, by the Constitution of the United States, and the statutes of this State, ample protection is afforded every denomination of believers for the free enjoyment of their religious opinions, and the free exercise of their peculiar modes of worship; that in the opinion of a majority of your committee, it is unnecessary for the law to go further.

Received, to come up in order.

Mr. Reeves, one of committee on General Provisions of the Constitution, submitted the following minority report:

Hon. J. W. Throckmorton, President of Convention:

A minority of the committee, to whom was referred the resolution respecting the adoption of a clause in the Constitution requiring the Legislature of the State, to enact suitable laws for the due observance of the day known as the Christian Sabbath, beg leave to make the following minority report, and recommend the adoption of the following amendment:

ART. VII, SEC. 37. It shall be the duty of the Legislature to enact suitable laws for the due observance of the day known as the Christian Sabbath. Received, to come up in order.

Mr. Latimer made the following report from committee on Finance:

To the Hon. J. W. Throckmorton, President of the Convention:

The committee on Finance have instructed me to report the accompanying ordinance, directing the first Legislature that shall assemble in this State to assume and pay the amount of the direct tax, apportioned to the State under the act of Congress approved August 5th, 1861, and recommend its passage.

Received.

ORDINANCE.

The People of Texas, in Convention assembled, hereby Ordain and Decree, That the first Legislature, after the adjournment of this Convention, shall assume and pay to the United States the direct tax apportioned to this State, under the act of Congress approved August 5th, 1861.

Received, to come up in order.

Mr. Dalrymple, chairman of committee on Indian Affairs, made the following report:

COMMITTEE ROOM, February 26th, 1866.

Hon. J. W. Throckmorton, President of Convention:

The committee on Indian Affairs, to whom was referred an ordinance in relation to frontier protection, making a treaty with certain tribes of Indians, and the appointment of commissioners for that and other purposes, have had the same under consideration, and instruct me to report, that they recommend the following as a substitute therefor:

Whereas, the north and north-west frontier of the State has heretofore been, and now is, depredated upon by savage tribes of Indians, and it has become unsafe and dangerous to the citizens settled upon said frontier to remain longer; and many of the counties heretofore settled have been depopulated; and it is evident that, without efficient protection to life and property, the settlement upon the frontier must and will be broken up, and recede still further into the interior, to the great detriment, not only of the citizens thus ruined, but to the interests of the whole State,

Wherefore, be it ordained, by the People of Texas, in Convention assembled, That the Governor of the State be, and he is hereby required, to make propositions, through three commissioners appointed by him, to the two civilized tribes of Indians living north of Red River, the Choctaws and Chickasaws, to cede to them, or either of those tribes, the right to hunt upon that part of the territory of Texas hereinafter defined, exclusive of all other Indians, except such as they permit to hunt with them; upon condition that they, the said tribe, or tribes, will guarantee protection to the frontier settlers from depredators coming in or passing out through said territory and hunting grounds. The hunting grounds to be occupied by said tribe, or tribes, to consist of all the territory belonging to the State of Texas lying above the Indian Territory, north of Red River, and the territory south of Red River to Pease River up to the State line.

Said commissioners shall be empowered to treat with one or both of said tribes for the purpose aforesaid, under instructions from the Governor of the State, but shall, in no case, enter into any stipulation that prohibits the extension of the frontier settlements, or the occupation of said territory by citizens or soldiers for all lawful purposes.

Be it further ordained, That the Governor of the State be required to appoint, immediately, a suitable man to repair at once to Washington City, to make known to the President and Secretary of War the true condition of the frontier of Texas, and to procure the consent of the General Government for the State of Texas to enter into said treaty with said tribes of Indians, for the purpose herein before mentioned; and also to press upon the consideration of the Government the urgent necessity of immediate action in sending troops to occupy the line of posts heretofore occupied by United States forces, between Red River and the Rio Grande; who shall, while on his way to Washington, if he can do so without delay, see and confer with the Military Commanders of this district and department, and urge upon them the necessity of immediately occupying said posts with a sufficient force for the protection of the frontier.

Received, to come up in order.

Mr. Davis of Webb presented a petition from sundry freedmen, asking the right of suffrage.

Referred to committee on Legislative Department.

The report of the committee on Legislative Department, recommending a substitute for Art. III of the Constitution, was taken up.

Mr. Henderson moved to go into committee of the whole.

On motion of Mr. Slaughter, the consideration of the 1st Sec. of the substitute was postponed until the minority report of Mr. Degener could be printed, and, on motion, it was made the special order for 12 o'clock, on Thursday next.

Mr. Hancock, chairman of committee on General Provisions of the Constitution, made the following reports:

COMMITTEE ROOM, February 26th, 1866.

Hon. J. W. Throckmorton, President of Convention:

The committee on General Provisions of the Constitution, to whom was referred a resolution relative to a change of the 8th Sec. of the bill of rights, have had the same under consideration, and unanimously direct me to report the following provision to said Section as an amendment thereto, to-wit:

Provided, That in criminal prosecutions, the punishment whereof shall be fine, not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or either, or any less punishment, the accused may be tried for the same by a jury or otherwise, as the Legislature may provide, and recommend its passage.

Received, to come up in order.

COMMITTEE ROOM, February 26th, 1866.

Hon. J. W. Throckmorton, President of Convention:

The committee on General Provisions of the Constitution, to whom was referred a resolution proposing to amend the 34th Sec. of Art. VII of the Constitution, by striking out the proviso in said Section, have had the same under consideration, and unanimously direct me to report, that they do not think it expedient to make said proposed amendment.

Received, to come up in order.

On motion of Mr. Gentry, the special order for the hour (report of committee on Education) was postponed until 11 o'clock to-morrow.

The Convention then went into committee of the whole, to consider the report of the Legislative Department, proposing a substitute for Art. III of the Constitution.

On motion of Mr. Waul, the committee arose, reported progress, and asked leave to sit again at 7 o'clock this evening, to which time the Convention stood adjourned.

7 O'CLOCK, P. M.

Convention met; roll called; quorum present.

The Convention again went into committee of the whole, on consideration of the report of the committee on Legislative Department, reporting a substitute for the 3d Article of the Constitution.

The committee rose, reported progress, and asked leave to sit again at 11 o'clock, to-morrow.

Report adopted.

Mr. Hancock moved to reconsider the vote engrossing an ordinance reported by the committee on General Provisions of the Constitution, as a substitute for Art. VIII of the Constitution.

On motion, the Convention adjourned until 9½ o'clock to-morrow, A. M., pending Mr. Hancock's motion.

WEDNESDAY, February 28th, 1866.

Convention met pursuant to adjournment. The Presiden being sick, the Convention was called to order by the Secretary. Prayer by the chaplain. Roll called; quorum present.

The President being absent, the Convention proceeded to ballot for a President pro tem.

Mr. Whitfield nominated Mr. Henderson.

Mr. Hart nominated Mr. Dickson.

Mr. Davis of Webb nominated Mr. Hart.

Messrs. Taylor of Fannin, Davis of Webb and Bumpass were appointed Tellers.

On telling the vote, it appeared that Mr. Henderson had received 20 votes, Mr. Dickson 51 votes, and Mr. Hart 2 votes.

Mr. Dickson, having received a majority of all the votes cast, was declared by the Secretary duly elected President pro tem. of the Convention.

Messrs. Shepard and McCormack conducted the President to the chair.

The journal of yesterday was read and adopted.

Mr. Roberts, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, February 28th, 1866.

To the Hon. J. W. Throckmorton, President of Convention:

The Judiciary Committee, to whom was referred the resolution of the gentleman from Dallas, (Mr. Record,) in relation to the establishment of a rule of evidence where Confederate paper currency was meant by the expression of "dollars and cents," in a contract, have had the same under consideration, and request me to report the accompanying ordinance, and recommend it to the favorable consideration of the House. They do not recommend it to establish a new rule, so much as to settle the rule of evidence beyond question—which is respectfully submitted.

Be it Ordained by the Convention, That in all suits now pending, or that may hereafter be instituted, upon contracts in writing made since the 2d day of March, 1861, and prior to the 2d day of July, 1865, payable in dollars and cents, parol testimony may be introduced to show the intention of the parties to the transaction; and where it shall be made to appear that dollars in Confederate paper currency was intended, its marketable value at the time of maturity shall be recovered. And the same rule shall obtain where such currency was the consideration of a contract which was otherwise valid.

Received, to come up in order.

Mr. Randolph made the following report:

COMMITTEE ROOM, February 28th, 1866.

To the Hon. J. W. Throckmorton, President of the Convention:

The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 8th Article of the Constitution, and find the same correctly engrossed.

Accepted.

Mr. Ball offered the following preamble and resolution;

Whereas, there are a large number of citizens of the State of Texas whose business is exclusively stock raising, and many of them living in that portion of the State that is not adapted to farming; and, in consideration of the fact that there is no provision made in the Constitution for the encouragement of that class of men to engage in the business of stock raising as an occupation: therefore,

Be it Resolved by the Convention, That the committee on the General Provisions of the Constitution of the State be instructed to inquire into the expediency of reserving from forced sale and execution, in addition to the present exemption, at least 300 head of cattle, 50 head of horses, and 500 head of sheep.

Adopted.

Mr. Latimer moved to suspend the rules, in order to proceed to the consideration of the ordinance of secession.

Lost.

The motion of Mr. Hancock, to reconsider the vote ordering the engrossment of Article VIII of the Constitution, was put and carried.

Mr. Henderson moved to recommit the ordinance to the committee reporting it.

Carried.

On motion of Mr. Hancock, the Second Assistant Secretary, Mr. Hutchins, was excused from attendance this evening.

On motion of Mr. Saunders, Mr. Hill was excused, on account of sickness.

Mr. Giddings moved to suspend the rules, in order to take up the report of committee on the Legislative Department.

Carried.

Mr. Giddings then moved to recommit the 23d section to the committee.

Carried.

On motion of Mr. Waul, the house adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met; roll called, and quorum present.

Mr. Gentry offered the following resolution, which was adopted:

Resolved, That the Secretary of this body be authorized to employ such assistance as may be necessary, from this date until the end of the session, in order to transact the clerical duties of this Convention.

Mr. Wilson offered the following resolution:

Resolved, That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of funds now in the State treasury not otherwise appropriated, for the purpose of defraying the funeral expenses of the Hon. George W. Smyth, deceased; and the Secretary of this Convention is hereby authorized and required to draw upon the State treasurer for a sufficient amount of money to pay such expenses, and to settle the same.

Which was adopted.

The Convention thereupon went into committee of the whole, pursuant to adjournment.

On motion of Mr. Davis of Webb, the committee rose, and, through the chairman, reported progress, and asked leave to sit again at 11 o'clock, A. M., to-morrow.

Report adopted.

Mr. Allen moved that the rules be suspended, and the report of the Legislative committee be taken up.

The motion prevailed.

Rule suspended, and the report taken up; when Mr. Ireland made the following report:

The committee on the Legislative Department, to whom was referred the 22d section of the bill reported by the committee on the — instant, unanimously instruct me to report the enclosed, as a substitute for said section, and recommend its passage, to wit:

SEC. 23. No person holding any office under the government of the United States, or any foreign government, shall be eligible to a seat in the Legislature of this State; nor shall any person holding any office of profit or trust under this State be a member of the Legislature of this State, if he hold such office when he offers to take his seat as Legislator. No person shall hold two offices of trust or profit under this State—provided, one person may hold the offices of District and County Clerk; one person, Sheriff, Assessor and Collector; and the County Commissioners shall be ex-officio Justices of the Peace and Notaries Public.

Received, to come up in order.

Mr. Allen moved that the 27th and 28th sections of the bill reported by the Legislative committee be re-referred; which motion prevailed, and the sections were recommitted, with instructions to report by 11 o'clock, A. M., to-morrow.

On motion of Mr. Hart, Mr. McCormack was added to the committee on the Legislative Department.

The orders of the day were then taken up.

Mr. Drake's resolution, limiting delegates, in making speeches upon any question, to fifteen minutes, was, upon vote, lost.

The hour having arrived for the special order, namely, the report of the committee on Privileges and Elections, it was, on motion of Mr. Hart, postponed till 11 o'clock, A. M., on Monday next.

On motion of Mr. Davis of Webb, Mr. Shaw was added to the committee on Finance.

On motion of Mr. Hancock, Mr. Mabry was added to the committee on the General Provisions of the Constitution.

The report of the committee on Finance was taken up, with regard to the per diem pay of the members of the Convention; when Mr. Frazier moved to strike out eight, wherever it occurs in the ordinance, reported by the committee, and insert fifteen; which was lost.

Mr. McCormack moved to strike out eight, where it occurs, and insert five. Lost.

Report of the committee adopted, and the ordinance ordered to be engrossed.

Mr. Beall moved to strike out eight, where it occurs in the ordinance, and insert seven and a half. Lost.

On motion of Mr. Gentry, the rule was suspended, the ordinance read a third time, and placed upon its final passage.

Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Benge, Bryan, Bradshaw, Bumpass, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Lindsey, Mabry, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Ranck, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shuford, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Grimes, Tyus, Varnell, Walker, Waul, Wilson and Woods—59.

Nays—Messrs. Anderson, Beall, Burke, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Norton, Record, Shaw, Whitfield—13.

On motion, Mr. Smith of Colorado, the Convention adjourned till 10, A. M., to-morrow.

THURSDAY, March 1st, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read, amended and adopted.

On motion of Mr. Norton, Mr. Johnson of Titus was excused on account of sickness.

Mr. Henderson, chairman of the committee on the Legislative Department, made following report:

To the President of the Convention:

The committee to whom was referred the 27th and 28th Sections of the printed bill on the Legislative Department, have instructed me to report that the blanks in said Section should be filled with "February 6th, 1860," and ask the adoption of said amendment. J. W. HENDERSON, Chairman.

Received, to come up in its order.

On motion of Mr. Henderson, the above report, and the one made by Mr. Ireland, last night, on Section 23 of the same ordinance, was referred to the committee of the whole, and made special order of the day for to-day at 11 o'clock.

Mr. Hancock, chairman of the committee on the General Provisions of the Constitution, made following report:

COMMITTEE ROOM, February 28th, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on the General Provisions of the Constitution, to whom was referred Article VIII of the Constitution, have considered the same, and unanimously recommend that Section 1st of said Article be amended by striking out all of the last line, after the word "and," and insert in lieu thereof, "all criminal prosecutions against them shall be conducted in the same manner as prosecutions for like offences against the white race, and they shall be subject to like penalties." And amend the 2d Section by striking out all after the word "same," in the 4th line, and insert in lieu thereof, "and the Legislature shall have power to authorize them to testify as witnesses in all other cases, under such regulations as may be prescribed.

Respectfully submitted.

JOHN HANCOCK, Chairman of Committee.

Read, and takes it place among the orders of the day.

On motion of Mr. Dalrymple, the rule was suspended, and the report made several days since, by the committee on Indian Affairs, was taken up, and read a second time, and on motion of Mr. Phillips, one hundred copies were ordered to be printed, and made special order of the day for 11 o'clock, A. M., Saturday, 3d instant.

Mr. Beall offered the following resolution:

Resolved, That this Convention should consider the propriety of passing an ordinance authorizing an election for members to the Legislature, Governor, and other State officers, as soon as practicable.

Adopted, and referred to the committee on the Legislative Department.

On motion of Mr. Henderson, Convention went into committee of the whole, to consider the report of the committee on the Legislative Department, reporting a substitute for the 3d Article of the Constitution, Mr. Taylor of Houston in the chair.

Committee rose, reported progress, and asked leave to sit again this evening at 7½ o'clock.

Mr. Taylor of Houston moved to take up the report of the Legislative Committee, presenting Article III of the Constitution.

Carried.

He then moved that one hundred copies of the 1st Section, and the amendment of Mr. Giddings, offered in committee of the whole, be printed.

Carried, and the printing was ordered.

On motion of Mr. Ireland, Convention adjourned till half after 7 o'clock this evening.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The Convention again went into committee of the whole, in consideration of the subject matter before it at the hour of the last adjournment, viz: The report of the committee on Legislative Department, Article III of the Constitution.

Committee rose, reported progress, and asked leave to sit again to-morrow at 10 o'clock.

Report adopted.

On motion of Mr. Flanagan, Convention adjourned till half after 9 o'clock in the morning.

FRIDAY, March 2d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Norton, chairman of committee on the Condition of the State, made the following report:

COMMITTEE ROOM, March 2d, 1866.

To the President of the Convention:

The committee on the Condition of the State having had under consideration the legislation of the State since the 1st day of February, 1861, and the executive, judicial, and ministerial action in pursuance thereof, as also the official action of His Excellency, A. J. Hamilton, the Provisional Governor, as brought to their notice by resolution and ordinances referred to them, have agreed upon the accompanying ordinance, making valid the laws and acts of officers therein mentioned, and for other purposes, and unanimously recommend its adoption by the Convention.

A. B. NORTON, Chairman.

Report received, and ordinance read 1st time, and on motion of Mr. Norton, one hundred copies ordered to be printed, and made special order of the day for Tuesday, at 11 o'clock, A. M.

Mr. Shepard made report as follows:

COMMITTEE ROOM, February 28th, 1866.

To Hon. D. C. Dickson, President pro tem. of Convention:

The committee on General Provisions of the Constitution, to which was committed a resolution of inquiry into the expediency of exempting, from forced sale, three hundred head of cattle, fifty head of horses, and five hundred head of sheep, have had the same under consideration, and have instructed me to report:

That they deem it unnecessary to occupy the time of the Convention with an ordinance on the subject, as the matter is, by the Constitution of the State, under the control of the Legislature. Respectfully submitted.

J. E. SHEPARD, *One of the Committee.*

Received, and passed to the orders of the day.

Mr. Jones of Bexar, chairman of the committee on Printing and Contingent Expenses, made the following report:

COMMITTEE ROOM, March 1st, 1866.

To Hon. D. C. Dickson, President of the Convention, pro tem:

The Committee on Printing and Contingent Expenses report to the Convention the accompanying bill, for printing, by D. Richardson, proprietor of the Tri-Weekly State Gazette, for the sum of five hundred and twenty-four dollars and fifty cents, and find it correct, and recommend that the same be paid.

The committee also report to the Convention the following expenditures for the burial of the Hon. G. W. Smyth, to-wit: The bill of John Stringer, for $55 25; the bill of England & Hannig, for $107 72; and the bill of Alexander Eans, for $21 40; in all, the sum of $185 67. For these latter sums the Secretary is already authorized, by resolution of the Convention, to give his draft on the Treasury to the parties respectively.

The committee also report the accompanying resolution, appropriating money to defray the contingent expenses of the Convention, and recommend its adoption.

W. E. JONES, Chairman.

Report received, and resolution read first time.

On motion, rule suspended, resolution read a second time, and ordered to be engrossed.

On motion, rule further suspended, resolution read a third time, and passed.

On motin, the resolution authorizing the Secretary to draw his draft on the State Treasury for the sum of two hundred dollars, to meet the charges incurred in the burial of the Hon. Geo. W. Smyth, was taken up, and, on motion of Mr. Henderson, the words "two hundred" were stricken out, and the words "one hundred and eighty-five dollars and sixty-seven cents" inserted in lieu thereof, and the sum ordered to be paid out of the contingent fund of the House.

Mr. Randolph made the following report:

COMMITTEE ROOM, March 2d, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on Engrossed and Enrolled Ordinances have examined the ordinance making an appropriation for the per diem pay and mileage of the delegates, and the per diem pay of the officers of the Convention, and find the same correctly engrossed and properly signed.

RANDOLPH, Chairman.

Report received.

Mr. Ireland offered the following resolution:

Resolved, That the committee on the Judiciary Department be instructed to inquire into the propriety of the State subscribing for —— copies of Paschal's Digest of the Laws of Texas, now in process of publication: *Provided* the same can be had at a cost not to exceed fifty per cent. on the original cost of paper, binding, printing, and transportation to the city of Austin:

Adopted and referred.

Mr. Flanagan offered the following resolution:

Resolved, That this Convention will adjourn on Monday, the 12th instant.

Mr. Henderson moved to lay the resolution on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Bacon, Beall, Benge, Clements, Dalrymple, Davis of Webb, Degener, Drake, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Reeves, Roberts, Saufley, Selman, Shepard, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Tyus, Walker, Waul, Woods, and Young—47.

Nays—Messrs. Anderson, Bryan, Burke, Camp of Goliad, Camp of Upshur, Dickson, Flanagan, Johnson of Titus, Lane, Latimer, Nelson, Randolph, Record, Richardson, Shuford, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, and Whitfield—21.

So the motion prevailed, and the resolution was laid on the table.

Mr. Ball offered a resolution as follows:

Whereas, there are several persons, who are members of this Convention, that have suits pending in the several District Courts of this State, and also many that were attorneys for parties who have suits pending in said courts: and whereas, the courts of several of the districts will be in session before the adjournment of this Convention,

Be it therefore Resolved by the members of this Convention, That all suits pending in said courts, in which members of this Convention are either parties or attorneys, shall stand continued until the next regular term, unless said suits are taken up by consent of parties.

Resolution read the first time.

Mr. Ball moved to suspend the rule to take up said resolution.

Lost.

Mr. Hancock presented the credentials of Mr. Wm. P. Bacon, delegate elect from El Paso, who came forward, and took the oath of office and his seat.

Mr. Hancock moved that the report of the committee on Art. III of the Constitution be taken up. Carried.

On motion, Convention went into committee of the whole, in consideration of the report of the committee on the Legislative Department, Art. III, and the substitute offered by Mr. Giddings for the 1st Section of said Article, Mr. Taylor of Houston in the chair.

Committee rose, reported progress, and asked leave to sit again this evening at 7½ o'clock.

Report adopted.

On motion of Mr. Beall, the Convention adjourned till 7½ o'clock this evening.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

Mr. Whitfield offered the following resolution:

Resolved, That the Convention set apart Monday next for the consideration of the ordinance to repeal the ordinance of secession, and that the same be then considered until finally disposed of; after which, the Convention shall proceed to the consideration of the 8th Article of the Constitution, fixing the status of the negro, and continue upon the same until it is finally disposed of; the Convention will then proceed to the consideration and final disposal of the ordinance concerning public debts; and next, the ordinance concerning the reorganization of the State Government shall be acted upon, and disposed of in like manner.

Rule suspended, resolution taken up, and the question being the adoption of the resolution, when Mr. Armstrong moved to lay it on the table, whereupon the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Armstrong, Bacon, Beall, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gurley, Hancock, Hart, Henderson, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norris, Parker, Perry, Phillips, Porter, Record, Reeves, Roberts, Selman, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Waul, Woods, and Young—44.

Nays—Messrs. Anderson, Ball, Benge, Bryan, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dickson, Drake, Flanagan, Gentry, Giddings, Hurt, Ireland, Johnson of Tarrant, Norton, Parsons, Ranck, Randolph, Richardson, Saufley, Shepard, Spaight, Thomas of Cameron, Tyus, Varnell, Walker, Whitfield—29.

So the resolution was laid on the table.

On motion of Mr. Dalrymple, Mr. Saunders was excused from attendance on the House, on account of indisposition.

On motion, the House went into committee of the whole, in consideration of the matter before it at the hour of its last adjournment, viz: Constitution, Art. III, as reported by the Legislative Committee.

Committee rose, and through its chairman, reported progress, and asked leave to sit again at 9½ o'clock A. M., to-morrow.

Report adopted.

On motion, the Convention adjourned until 9½ o'clock to-morrow.

SATURDAY, March 3d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read, and adopted.

Mr. Norton, chairman of committee on Condition of State, made the following report:

COMMITTEE ROOM, March 3d, 1866.

To the President of the Convention:

The committee on Condition of State, to whom was referred an ordinance for the protection and encouragement of manufactures, by instructing the Legislature to pass a law providing for an exemption from forced sale of manufactories, machinery, and manufactured articles, except for the purchase money of the same, the wages of mechanics and employees, and for taxation, have had the same under consideration, and beg leave to report:

That in their judgment the subject is within the legitimate province of legislation. They are unanimously of opinion that the establishment of manufactories, and the introduction of machinery of every kind into the various parts of the State, would prove highly beneficial to the people, and remunerative to those who may engage in such business.

While believing that inducements should be held out to capitalists to engage in the erection of manufacturing establishments, and that reasonable protection and encouragement should be extended to them, they nevertheless are constrained to report the same back without recommending action by the Convention, being well satisfied that the importance of the subject will sufficiently commend itself to the minds of the members of the first Legislature, to insure appropriate legislation.

Received, to come up in order.

Mr. Jones of Bastrop made the following report, from committee on Privileges and Elections.

To Hon. D. C. Dickson, President, pro tem., of Convention:

The committee on Privileges and Elections unanimously instruct me to report that they have had under consideration the credentials of W. J. Bacon, delegate from the county of El Paso, whose certificate of election is herewith presented. It appears to the committee that there was no civil officer in the county, owing to the fact that no communication with the Department of State had taken place since the establishment of the Provisional Government. The people, however, having received unofficial information that the election was to take place, requested the military authority to order the election. The election was conducted, so far as practicable, in conformity with the laws of the State, and there is no doubt that Mr. Bacon was the choice of the people; but it does not appear to the satisfaction of the committee that he had been a citizen of the State, or resident of the county, for more than one or two months next preceding the election. A majority of the committee instruct me to recommend that he retain his seat.

On motion of Mr. Taylor of Fannin, the rule was suspended, and the report was taken up and adopted.

Mr. Jones of Bastrop presented the following report from same committee:

COMMITTEE ROOM, March 2d, 1866.

Hon. D. C. Dickson, President, pro tem., Convention:

The committee on Privileges and Elections unanimously instruct me to report back the resolution referred to them, concerning the amendment to the State Constitution, approved January 16th, 1850, and ask to be discharged from the consideration of the subject, the same being under consideration by the committee on the Judiciary.

Passed to orders of the day.

Mr. Waul presented the following report, from committee on Finance:

COMMITTEE ROOM, March 2d, 1866.

Hon. D. C. Dickson, President, pro tem., Convention:

SIR: The committee on Finance, to whom was referred the subject of the public debt of the State, have instructed me to report that they have had the same under consideration, and recommend the adoption of the following ordinance, by the Convention. All of which is respectfully submitted.

AN ORDINANCE

Declaring the War Debt void, and for other purposes.

Be it ordained by the people of the State of Texas in Convention assembled, That all debts created by the State of Texas in aid of the late war, directly or indirectly, are hereby declared null and void, and the Legislature shall have no authority, and they are hereby forbidden, to ratify the same, or to assume, or provide for, the payment of the same, or any part thereof.

SEC. 2. *Be it further ordained,* That the Legislature of this State shall have no authority, and are hereby forbidden, to assume, or make any provision for, the payment of any portion of the debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents, or by its authority.

SEC. 3. *Be it further ordained,* That the Legislature of this State shall have no authority, and are hereby forbidden, to assume, or make any provision for, the payment of any portion of the debts contracted or incurred, or warrants issued, by this State, from the 28th day of January, 1861, until the 5th day of August, 1865.

On motion of Mr. Waul, the rule was suspended, and on further motion, 300 copies were ordered to be printed.

Mr. Beall offered the following resolution:

Whereas, the health of the members of this Convention is essential to the dispatch of the important duties devolving upon it, and,

Whereas, the holding of night sessions, so late in the night as has been the case during the past week, is now inducing great indisposition in many of the members:

Resolved, That this Convention commence its business at 10, A. M., and adjourn at 1, P. M., for dinner, to resume its business at 3, P. M., and adjourn at 5, P. M.

Passed to the orders of the day.

Mr. Hancock moved to suspend the rules, and take up the 8th Article of the Constitution.

Lost.

The House went into committee of the whole, to consider further Article III of the Constitution, Mr. Taylor of Houston in the chair.

Committee rose, and, through their chairman, reported progress, and asked leave to sit again this evening at 7½ o'clock.

Report adopted.

Mr. Hancock moved that Mr. Jones of Bastrop be excused till Monday evening.

Carried.

Mr. Gentry moved that the Convention adjourn till 10 o'clock on Monday next.

The Yeas and Nays being called, stood thus:

Yeas—Messrs. Benge, Burke, Camp of Goliad, Davis of Cherokee, Degener, Drake, Gentry, Halbert, Hancock, Jones of Bastrop, Ledbetter, McCormack, Norton, Parsons, Paschal, Perry, Phillips, Ranck, Roberts, Saufley, Selman, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Varnell, Waul and Young —29.

Nays—Messrs. Allen, Anderson; Bryan, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Dickson, Flanagan, Frazier, Giddings, Gurley, Henderson, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lindsey, Middleton, Murchison, Nelson, Norris, Parker, Porter, Runnels, Shepard, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Walker, Whitfield and Woods—34.

Convention refused to adjourn to the hour named.

On motion of Mr. Henderson, Convention adjourned till this evening at 7½ o'clock.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

On motion of Mr. Bryan, Mr. Bacon was excused, on account of indisposition.

On motion, the Convention went into committee of the whole, in consideration of the matters before it at the hour of the last adjournment, viz: Report of the Legislative Committee, Article III of the Constitution, the amendment of Mr. McCormack, and the substitute therefor offered by Mr. Parsons.

The committee rose, reported progress, and asked leave to sit again at 11 o'clock Monday morning.

Adopted.

Mr. Roberts moved to refer both Sections of the ordinance reported by the committee, which referred to the basis of representation, to a select committee of one from each Judicial District.

Mr. Gentry moved to adjourn until 10 o'clock Monday, A. M.

Lost.

Mr. Henderson moved a call of the House.

Lost.

Mr. Roberts withdrew his motion.

On motion of Mr. Davis, the Convention adjourned until 9½ o'clock, A. M., Monday.

MONDAY, March 5th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Spaight presented the petition of citizens of Orange county, asking relief from State tax, or the postponement of its collection until the adjournment of the next Legislature.

Referred to the committee on Finance.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 5th, 1866.

Hon. D. C. Dickson, President pro tem. of Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance making an appropriation to defray the printing and other contingent expenses of the Convention, and find the same correctly enrolled and properly signed.

Received, to come up in order.

Mr. Roberts introduced the following ordinance:

Be it ordained by the delegates of the people of Texas, in Convention assembled, That the permanent preservation of the white race being the paramount object of the people of Texas, the Legislature shall have power to pass all such laws, relating specially to the African race within her limits, as may be necessary and proper to secure their ultimate removal or colonization, so as to give place to an unmixed white race, should it in future be found expedient and practicable, with the co-operation or consent of the United States, or with the co-operation of other States of the Union, with the consent of the United States.

Referred to committee on Legislative Department.

Mr. Paschal offered the following resolution:

Resolved, That the committee on the Legislative Department be instructed to report an ordinance dividing the State into four Congressional Districts, as nearly equal as may be, according to the representative population of each district, as fixed by the third section of the first article of the Constitution of the U. S. Said ordinance to cease to have effect from and after the next apportionment of Representatives in the Congress of the United States.

Adopted.

On motion of Mr. Whitfield, Mr. Lindsey was excused, on account of sickness.

Mr. Burke offered the following preamble and resolution:

Whereas, the people of Texas have witnessed, with pride and pleasure, the noble and manly stand taken by President Johnson, in defense of the constitutional rights of the Southern States, in allowing them representation in the Congress of the United States, and in opposition to the destructive policy of the radicals, as promulgated by Stevens, Sumner and Phillips. Therefore,

Be it Resolved by the People of Texas, through their Delegates, in Convention assembled, That we cordially endorse and approve of the "reconstruction policy" of the President, and his veto of the Freedman's Bureau bill; and that we will give him our support, and strengthen his hands in the adoption of any and all such measures as will restore the State of Texas and the other Southern States to their rightful position as members of the Federal Union; and that His Excellency Provisional Governor Hamilton is hereby requested to forward a copy of these resolutions to His Excellency Andrew Johnson, President of the United States.

Mr. Burke moved to suspend the rules, and take up the resolution. Lost.

Resolution passed to orders of the day.

On motion of Mr. Henderson, Mr. Bumpass was indefinitely excused from attendance on the Convention, in order to attend his sick colleague.

Mr. Beall's resolution, relative to the meeting and adjournment of the Convention, was taken up.

Mr. Ireland moved to amend by striking out all after the words "2, P. M."

Mr. Spaight moved to substitute for Mr. Ireland's amendment so as to read, "from 10, A. M., to 2, P. M, and from 7, P. M. to 10, P. M."

Mr. Hart moved to lay the whole on the table. Carried.

The hour having arrived, the Convention went into committee of the whole, to consider the report of the committee on the Legislative Department, Mr. Taylor of Houston in the chair.

On motion of Mr. Ireland, committee rose, reported sundry amendments adopted by the committee, and asked to be discharged from a further consideration of the subject.

Mr. Henderson moved to take up the ordinance just reported from the committee of the whole, and act upon it, section by section, together with the amendments made to such sections.

Carried.

Mr. Davis of Webb offered the following amendment to Section 5: In 2d line, in place of the word "five," the word "three" be inserted.

Upon the question of the adoption of the same, the yeas and nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Camp of Goliad, Davis of Webb, Degener, Halbert, Hart, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Perry, Ranck, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell, and Young—24.

Nays—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Lindsey, Mabry, McCormack, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—49.

So the amendment was lost.

The question being on the adoption of the amendment to the 5th section, as reported by the committee, the yeas and nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Johnson of Tarrant, Lane, Mabry, McCormack, Norris, Parsons, Phillips, Randolph, Record, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Wilson and Woods—44.

Nays—Messrs. Bacon, Bradshaw, Camp of Goliad, Davis of Webb, Degener, Halbert, Hart, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Lindsey, Murchison, Nelson, Norton, Parker, Paschal, Perry, Porter, Ranck, Reeves, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Young—30.

Adopted.

Mr. Davis of Webb moved to strike out the word "next," in third line of 5th section.

Amendment withdrawn.

Mr. Smith of Colorado moved to insert the word "white" before "citizen," in first line.

Adopted.

Mr. Bradshaw moved to insert the word "white" before "citizen," in —— line, Section 10.

Adopted.

The question being on the adoption of the amendment, to strike out 3 and insert 5, as proposed by committee of the whole, Mr. Waul offered, as a substitute for the committee's amendment, the following, viz:

Insert, after "State," in second line, "at the time of his election, and a resident of the State five:"

Which was adopted by the House as part of the section.

Mr. Ireland moved to amend Section 11, by substituting the words, "may be prescribed by law," for the words, "each House may provide."

Lost.

The question being on the adoption of the amendment proposed by the committee of the whole to Section 13, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Burke, Davis of Webb, Dickson, Giddings, Gurley, Hunt, Johnson of Titus, Latimer, McCormack, Murchison, Norton, Phillips, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Smith of Lamar, Spaight, Taylor of Fannin, Varnell, Walker, Waul, Whitfield and Wilson—32.

Nays—Messrs. Benge, Camp of Goliad, Camp of Upshur, Clements, Davis of Cherokee, Drake, Gentry, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norris, Parker, Parsons, Paschal, Perry, Porter, Ranck, Randolph, Record, Reeves, Selman, Shaw, Smith of Colorado, Taylor of Houston, Woods and Young—34.

So the amendment was lost.

The question being on the adoption of the amendment proposed by the committee of the whole,

Mr. Smith of Colorado proposed to amend the amendment of the committee, by striking out the words, "Chief Justice acting as," which amendment was adopted; when the House adopted the amendment proposed by the committee of the whole, as amended, and made it part of the section.

The question being on the adoption of amendments to Section 20, as proposed by the committee of the whole, it was adopted.

Mr. Shuford proposed to amend Section 21, by adding thereto the following: "Unless by a vote of three-fourths of both Houses."

Lost.

The question being on the adoption of the amendments proposed by the committee of the whole to Section 23,

Mr. Spaight offered a substitute for the section, as proposed to be amended by the committee of the whole.

Mr. Beall moved that the Convention adjourn till half after 3 o'clock. Lost.

On motion, the Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

On motion of Mr. Henderson, the Reporter was excused for the evening, on account of sickness.

Question pending when the House adjourned, to wit: Mr. Spaight's substitute for Section 23 of Art. III of the Constitution, again taken up, and the question recurring on the adoption of the substitute, the same was put, and the Convention refused to adopt it.

The question then recurring on the amendments proposed by the committee of the whole, when Mr. Waul offered to amend as follows:

Strike out "nor for a member of their own body for a Senator in the Congress of the United States, although he may resign his seat," in the 6th and 7th lines.

Upon which the Yeas and Nays were called, and stood thus:

Yeas—Messrs. Ball, Beall, Benge, Burke, Dalrymple, Gurley, Halbert, Hunt, Johnson of Tarrant, Jones of Bexar, McCormack, Nelson, Parker, Parsons, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Waul and Woods—21.

Nays—Messrs. Anderson, Armstrong, Bacon, Bradshaw, Camp of Goliad, Camp of Upshur, Clements, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Giddings, Hancock, Hart, Henderson, Ireland, Johnson of Titus, Jones of Bastrop, Ledbetter, Lindsey, Mabry, Middleton, Murchison, Norton, Norris, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shaw, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Whitfield, Wilson, and Young—48.

Lost.

The question again recurring on the adoption of the amendments proposed by the committee of the whole, the same was put, and the amendments were adopted.

The question being on the adoption of the substitute proposed by the committee of the whole to Section 24, the same was put and adopted.

Mr. Wilson offered the following amendment to the substitute, as adopted by the Convention, viz:

Amend by striking out "Collector," after Sheriff, and inserting "Assessor;" and by striking out "Assessor" after Treasurer, and inserting "Collector;" so as to read "Sheriff and Assessor, and Treasurer and Collector."

The question recurring upon the adoption of said amendment, the same was put, and the amendment was lost.

Mr. Allen offered the following amendment to the substitute, as adopted by the Convention, viz:

Strike out all after the second proviso, and insert, "Provided, further, the Legislature may provide by law for one person to hold one or more county offices."

The question recurring upon the adoption of said amendment, the same was put, and the amendment was adopted.

Mr. Davis of Webb moved to insert the following to the word "nor" in the substitute, viz:

No Judge of any Court of Law or Equity, Secretary of State, Attorney General, Clerk of any Court of Record, Sheriff, or Collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature.

Mr. Clements offered the 25th Section of Art. III of the present Constitution as a substitute for the whole.

Adopted.

Mr. Gentry moved to amend, by adding to the 24th Section, that one person may hold two or more county offices, if so provided by the Legislature.

Mr. Norton moved to lay the amendment on the table.

Lost.

The amendment was then adopted.

Mr. Davis of Webb moved to amend: After the word salary, insert the words, "the office of Notary Public."

Adopted.

The 26th Section being under consideration, Mr. Roberts moved to amend by striking out Section 26, as to Ministers of the Gospel.

Mr. Varnell moved to lay the amendment on the table.

Yeas and Nays ordered, and stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Bradshaw, Burke, Camp of Upshur, Davis of Cherokee, Degener, Drake, Gentry, Gurley, Hancock, Hart, Henderson, Ireland, Jones of Bastrop, Lindsey, Mabry, Murchison, Norris, Parker, Parsons, Perry, Porter, Richardson, Runnels, Saufley, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Waul, Whitfield and Young—35.

Nays—Messrs. Armstrong, Bacon, Beall, Benge, Camp of Goliad, Clements, Dalrymple, Davis of Webb, Dickson, Giddings, Halbert, Hunt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Middleton, Nelson, Norton, Phillips, Randolph, Record, Reeves, Roberts, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Tyus, Walker and Wilson—34.

Laid on the table.

Mr. Camp of Upshur moved to reconsider the vote.

On motion of Mr. Selman, a call of the house was ordered.

On further motion of Mr. S. the call was suspended, and the question for reconsidering the vote tabling the amendment was put and carried; and, on further motion, the section was passed over for the present.

Section 28 being under consideration, as reported by the committee of the whole,

Mr. Davis of Webb moved to strike out all down to "electors," in fourth line, and insert, "The Legislature shall, at its first session under this Constitution, cause an enumeration to be made of all the inhabitants (including Indians taxed) of the State, designating their color and age, following in this respect the classification of the U. S. census, and designating also the number of white citizens and qualified electors. The Legislature shall also cause a similar census to be made in the year 1875, and every ten years thereafter.

Mr. Phillips moved to adjourn until 10 o'clock to-morrow morning. Lost.

Question recurring on amendment of Mr. Davis of Webb,

On motion of Mr. Ireland, Convention adjourned until 10 o'clock to-morrow morning, pending Mr. Davis of Webb's amendment.

TUESDAY, March 6th, 1866.

Convention met pursuant to adjournment. Prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Roberts, chairman of the Judiciary Committee, made the following report:

MARCH 4th, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

The Judiciary Committee, to whom was referred the resolution seeking an inquiry into the propriety of subscribing for copies of Paschal's Digest of the Laws of Texas, having considered the same, instruct me to report it back, and recommend its reference to the committee on Finance. Respectfully submitted,

O. M. ROBERTS.

On motion, rule suspended, and the original resolution and report thereon referred to the committee on Finance.

The question pending at the last adjournment, viz: the amendment of Mr. Davis of Webb to the 28th Section, again taken up; on the adoption of which the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Dalrymple, Davis of Webb, Degener, Flanagan, Gurley, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Norton, Parker, Paschal, Perry, Reeves, Saunders, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Thompson, Tyus, Varnell, and Young—30.

Nays—Messrs. Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Clements, Dickson, Drake, Frazier, Giddings, Halbert, Hancock, Hart, Henderson, Hunt, Hurt, Ireland, Lane, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Record, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Spaight, Taylor of Fannin, Taylor of Houston, Whitfield, Wilson, and Woods—42.

So the amendment was lost.

The question recurring on the adoption of the amendments to Sec. 28, proposed by the committee of the whole, the question was put on the adoption of the first amendment, and the same was adopted.

The question being on the adoption of the second and third amendments, Mr. Henderson moved to lay said amendments on the table, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Bryan, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Woods, and Young—71.

Nays—Messrs. Bacon, Clements, Frazier, Jones of Bastrop, Selman, and Wilson—6.

The motion prevailed.

On motion, Sec. 26, passed over last night, and the motion of Mr. Roberts to strike out said Section, were taken up, and Mr. Henderson offered a substitute for said Section and the motion of Mr. Roberts, as follows:

SEC. 26. The Legislature shall have no power to exempt, by law, any person or persons from serving on juries, working on roads, from militia duty, or any other public service, on account of their profession or calling.

Mr. Roberts moved to lay the substitute of Mr. Henderson on the table.

The Yeas and Nays being called for on said motion, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bryan, Burke, Camp of Goliad, Camp of Upshur, Clements, Davis of Webb, Degener, Drake, Flanagan, Frazier, Giddings, Gurley, Halbert, Hunt, Hurt, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Murchison, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Randolph, Record, Reeves, Roberts, Saunders, Selman, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul, Wilson, and Woods—51.

Nays—Messrs. Ball, Benge, Bradshaw, Dalrymple, Davis of Cherokee, Dickson, Gentry, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Lane, Lindsey, Mabry, Middleton, Norton, Norris, Porter, Runnels, Saufley, Shaw, Taylor of Houston, and Thomas of Cameron—24.

Laid on the table.

On motion, Convention adjourned until 3½ o'clock, P. M.

3½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The question pending at the hour of the last adjournment, viz: The motion of Mr. Roberts to strike out Sec. 26 of the bill reported by the committee on the Legislative Department, again taken up.

On motion of Mr. Waul, Mr. Camp of Goliad was excused from attendance on the House till Monday next, on account of sudden business of importance.

The question recurring on the motion of Mr. Roberts to strike out ——, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Beall, Bryan, Bumpass, Camp of Upshur, Clements, Davis of Webb, Dickson, Flanagan, Frazier, Halbert, Hunt, Jones of Bexar, Latimer, Ledbetter, McCormack, Nelson, Norton, Paschal, Phillips, Randolph, Record, Reeves, Roberts, Selman, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Tyus, Walker, Wilson, and Woods—36.

Nays—Messrs. Anderson, Bacon, Ball, Benge, Bradshaw, Burke, Dalrymple, Davis of Cherokee, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hurt, Ireland, Jones of Bastrop, Lindsey, Middleton, Murchison, Norris, Parker, Parsons, Perry, Porter, Runnels, Saunders, Saufley, Smith of Lamar, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Waul, Whitfield, and Young—38.

Convention refused to strike out.

Mr. Wilson offered the following amendment, viz:

No person who denies the being of a God, or of a future state of rewards and punishments, shall hold any office in the civil department of this State.

Mr. Davis of Cherokee moved to lay said amendment on the table.

On which motion the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Bryan, Bradshaw, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Henderson, Hunt, Jones of Bastrop, Ledbetter, Lindsey, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Roberts, Saunders, Shepard, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, and Varnell—44.

Nays—Messrs. Armstrong, Beall, Benge, Bumpass, Burke, Camp of Upshur, Flanagan, Halbert, Hancock, Ireland, Johnson of Titus, Jones of Bexar, Latimer, McCormack, Nelson, Norris, Record, Reeves, Runnels, Saufley, Shields, Shuford, Smith of Lamar, Waul, Whitfield, Wilson, Woods, and Young—28.

Laid on the table.

Section 29 being under consideration, Mr. Waul offered the following substitute therefor, viz:

Sec. 29. The Legislature shall cause an enumeration to be made every ten years, commencing on the 6th day of February, 1875, of all the inhabitants (including Indians taxed) of the State, designating particularly the number of qualified electors, and the sex, age, and color of all others, herein following the classification of the United States census, and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of white population in each, and shall not be less than forty-five, nor more than ninety: *Provided*, that there shall be an enumeration and apportionment made in the year 1870 in the manner herein directed.

Mr. Shepard offered the following substitute for the original Section and the substitute of Mr. Waul, viz:

The Legislature shall, in the year A. D. 1870, and again in the year 1875, and every ten years thereafter, cause to be made an enumeration of all the inhabitants of the State, designating particularly the number of qualified electors, (Indians taxed,) and negroes; and the whole number of representatives shall, at the several periods of making such enumeration, be apportioned by the Legislature among the several counties, cities or towns, according to the free population in each, and shall not be less than forty-five, nor more than ninety.

Which substitute was laid on the table, on motion of Mr. Henderson.

The question recurring on the adoption of the substitute offered by Mr. Waul, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Davis of Webb, Degener, Dickson, Gentry, Giddings, Halbert, Hancock, Hunt, Ireland, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Paschal, Perry, Phillips, Randolph, Record, Reeves, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Wilson, and Young—51.

Nays—Messrs. Burke, Clements, Davis of Cherokee, Drake, Flanagan, Frazier, Gurley, Hart, Henderson, Parsons, Porter, Runnels, Saunders, Saufley, Shuford, and Whitfield—16.

Adopted.

Mr. Smith of Colorado offered the following amendment to the substitute as adopted, viz: strike out "white" in the 6th line from the bottom.

Mr. Henderson moved to lay the motion "to strike out" on the table.

On which motion the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Bacon, Ball, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Webb, Davis of

Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Halbert, Hart, Henderson, Hurt, Ireland, Johnson of Titus, Latimer, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Whitfield, Wilson, Woods, and Young—49.

Nays—Messrs. Anderson, Armstrong, Beall, Dickson, Giddings, Gurley, Hancock, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Paschal, Phillips, Reeves, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Walker, and Waul—25.

Laid on the table.

Mr. Taylor of Fannin offered the following amendment, viz: to come in after white population, "and all others who are taxed."

Mr. Hart moved to lay said amendment on the table.

On which motion the Yeas and Nays were called for, and stood as follows:

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Titus, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Whitfield, Wilson, Woods, and Young—53.

Nays—Messrs. Anderson, Dickson, Giddings, Gurley, Hunt, Hurt, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Paschal, Phillips, Reeves, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, and Waul—21.

Laid on the table.

On motion of Mr. Henderson, the blank in Section 29 was filled with the words "6th of February, 1860."

Mr. Parsons proposed to add after the words "Indians taxed," "and such other inhabitants as the Legislature may see fit to enumerate."

Mr. Davis of Cherokee moved to lay amendments on the table.

On which motion the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Bacon, Ball, Bradshaw, Bumpass, Burke, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Halbert, Hart, Henderson, Ireland, Johnson of Titus, Lindsey, Mabry, Middleton, Murchison, Norton, Parker, Porter, Record, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Whitfield, Wilson, and Young—38.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Camp of Upshur, Clements, Dickson, Giddings, Gurley, Hancock, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Parsons, Paschal, Perry, Phillips, Randolph, Reeves, Richardson, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Varnell, Walker, Waul, and Woods—36.

Laid on the table.

The 30th Section being under consideration, Mr. Henderson offered a substitute for the amendment proposed by the committee of the whole, viz: strike out $7 50, and insert $8.

Mr. Whitfield moved to lay the amendment and the substitute therefor on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Beall, Burke, Flanagan, Hunt, Ledbetter, Norton, Randolph, Record, Saunders, Saufley, Selman, Shaw, Thomas of Cameron, Thompson, Whitfield, and Young—17.

Nays—Messrs. Bacon, Ball, Benge, Bumpass, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Frazier, Gentry, Gurley, Halbert, Hancock, Hart, Henderson, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Reeves, Richardson, Roberts, Shepard, Shields, Slaughter, Smith of Lamar, Spaight, Taylor of Houston, Tyus, Varnell, Walker, Waul, and Woods—48.

Motion was lost.

On motion of Mr. Henderson the substitute was adopted.

On motion, the substitute as adopted was adopted as part of the Section.

Mr. Roberts offered the following amendment:

Sec. 29. Amend by striking out of the third line the words "number of qualified electors," and inserting instead thereof the words, "amount of taxes assessed upon property situated within such districts, provided no district shall have more than one Senator."

Pending which amendment, on motion of Mr. Hart, the Convention adjourned till 9½ o'clock to-morrow.

WEDNESDAY, March 7th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Hancock presented the credentials of B. W. Gillock, member elect from El Paso county.

Referred to committee on Privileges and Elections.

Mr. Roberts, chairman of committee on Judiciary, made the following report and ordinance.

COMMITTEE ROOM, March 6th, 1866.

To the Hon. D. C. Dickson, President, pro tem., of the Convention:

The Judiciary Committee, to whom were referred Article IV (Judicial Department) of the Constitution of the State of Texsa, adopted by the Convention in 1845, with the subsequent amendments thereto, together with numerous resolutions and ordinances, relating to the subject therein embraced, referred to them by the Convention, have had the same under consideration, and have instructed me to report the accompanying enlargement and amendment of said Article, as a substitute therefor, and to recommend its adoption.

In discharging the duty assigned them they have endeavored to preserve the leading features of the Judicial Department, and to make such improvements and additions thereto as would secure its efficiency.

They have increased the length of the term of service of the judicial officers, and enlarged their salaries.

They have provided for the appointment of the Attorney General and District Attorneys, by the Governor, with the advice and consent of two-thirds of the Senate; because they, in consideration of their duties, should be placed in harmony with the Executive of the State.

They have established a County Court, which, in addition to the business relating to estates of minors, lunatics, and persons *non compos mentis*, has jurisdiction in criminal cases extending to misdemeanors and petty offences, also civil cases, where the matter in controversy does not exceed five hundred dollars.

They have provided for appeals from Justice's courts, and other inferior courts, to the District Court.

They have increased the Justices of the Supreme Court from three in number to five, and required said court to be in session for nine months in the year.

They have conferred such powers upon the Legislature as will facilitate a more complete organization of the courts, for the dispatch of business, and have left those powers so unrestricted as that the Legislature may improve upon or change such organization, from time to time, as future experience may indicate to be proper.

Their attention has been particularly called, by the changed condition of the country, to the necessity of an increased efficiency and dispatch of business, in all of the courts, both in civil and criminal cases.

To meet this demand, they have conferred criminal jurisdiction upon the County Court, in misdemeanors and petty offences, as they are now, or may hereafter be, defined by law, and required that said court shall be held in each county, at least once in every two months. They have left it also to the discretion of the Legislature to confer civil jurisdiction to the extent of five hundred dollars, upon said court.

Should this court not be found to be adequate to the wants of the country, the Legislature may require District Courts to be held in each county three or four times in each year, instead of twice, as now prescribed by law. Thus it is hoped the means may be employed which will prevent the delay in the administration of the law, which has not only resulted in great detriment to individual and public interests, but has, it is apprehended, greatly weakened the habitual respect of the people for our judicial system.

Other amendments have been made to perfect the system.

They have deemed an increase of salary absolutely necessary in view of the monetary affairs of the country at present; and should the difficulty on that subject be removed at a future time, the salaries as allowed are believed to be not more than sufficient to secure ability and efficiency in the public service.

It is hoped and believed also that extending the term of service of all of the officers will have a most beneficial effect, not only by the inducement held out by the greater permanency of employment in the office, but, what is far more important, by the consequent independence, experience and ability of the officer.

Which is respectfully submitted.

O. M. ROBERTS, Chairman of Committee.

Report received, and ordinance read first time.

On motion of Mr. Taylor of Fannin, the rule was suspended, and report and ordinance were taken up, and 300 copies of the ordinance were ordered to be printed, and it was made the special order for 11 o'clock Monday next.

Mr. Latimer, chairman of committee on Finance, made the following report:

COMMITTEE ROOM, March 7th, 1866.

To Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on Finance, to whom was referred the petition of the people of Orange county, asking to be relieved from the State tax now due, and from that which may be imposed for the current year, have had the same under consideration, and have instructed me to report the accompanyiug ordinance, and recommend its adoption by the Convention:

AN ORDINANCE

For the Relief of the People of Orange County.

Whereas, by the ravages of a tornado in the month of September, 1865, the dwelling houses, corn cribs, barns, stables and fences, together with the crops in the fields, and the timber, on almost every farm or plantation in the county of Orange, was either destroyed or greatly damaged. and in the town of Orange only four houses were left standing, whereby the people of said county are in a destitute condition, and are generally unable to pay the State tax now due, or that which may hereafter be assessed for the current year, therefore:

Be it ordained by the people of Texas in Convention assembled, That all persons who resided in the county of Orange on the 13th of September, A. D. 1865, and all the property in said county, be, and they are hereby, relieved and exempted from the payment of the State tax now due, and of any State tax that may hereafter be imposed for the year 1866.

Read first time, to come up in order.

Mr. Mabry introduced an ordinance to legalize the formation of counties heretofore established, containing an area of less than nine hundred square miles:

SECTION — The acts of the Legislature heretofore, creating counties of less area than nine hundred square miles, are hereby declared to be valid, and of binding force.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Dalrymple offered the following preamble and resolution:

Whereas, in the present financial condition of the country, growing out of the late war, by which great numbers of the people of Texas are unable to meet their immediate liabilities, and

Whereas, judgments will be obtained against them, and their property offered to satisfy the same, therefore:

Be it resolved by this Convention, That all property put up at forced or sheriff's sale, for debts heretofore contracted, shall not be sold unless the same shall realize at least two-thirds of its appraised value; such appraisement and sale to be regulated in such manner as the Legislature shall direct.

Read first time, and referred to Judiciary Committee.

Mr Spaight introduced the following ordinance, viz:

AN ORDINANCE

Authorizing Suits to be brought against the State.

Be it ordained by the people of Texas in Convention assembled, That Article VII of the Constitution be amended by adding the following Section:

SEC. 38. Suits may be brought against the State in such manner and in such courts as may be by law prescribed, and it shall be the duty of the Legislature to pass a general law providing for the same.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Davis of Webb introduced the following

ORDINANCES,

To be inserted in General Provisions of the Constitution.

SEC. — The duration of all offices in this State, when not otherwise provided under this Constitution, shall be for the term of four years.

SEC. — In all cases where the Governor has the authority under this Constitution, or the laws made in pursuance thereof, to appoint to office, he shall also have the authority to remove from the same, for malfeasance in office, neglect of duty, or other good cause; *provided*, that a statement of the cause shall, at the time of removal, be furnished the party interested, and shall also be filed of record in the office of the Secretary of State.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Flanagan offered the following resolution:

Resolved, That the committee on Condition of State be instructed to consider and report upon the propriety of dividing the State, by the Trinity river as a line, and forming a separate State out of the territory embraced between the Trinity river and the Louisiana line, including in Eastern Texas what has heretofore been the First Congressional District of Texas, excepting therefrom the territory west of the counties of Dallas, Collin and Grayson, and, if found expedient, to report an ordinance amending the Constitution so as to confer upon the Legislature the power to take such steps for a division of the State, and the adjustment of the rights of Eastern Texas in the public domain and the school fund, and apportion to each of the States its share of whatever public debt may be existing at the time of such division.

Adopted.

ORDERS OF THE DAY.

The amendment proposed by Mr. Roberts, and pending at the hour of the last adjournment, viz: An amendment to the 29th Section to the 3d Article of the Constitution, again taken up, and,

On motion of Mr. Davis of Cherokee, the main question, the engrossment of the bill, was ordered by the following vote:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Ireland, Lane, Latimer, Mabry, Middleton, Murchison, Norris, Parker, Randolph, Record, Richardson, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Whitfield, Wilson and Young—42.

Nays—Messrs. Allen, Bryan, Dalrymple, Davis of Webb, Degener, Dickson, Giddings, Gurley, Halbert, Hancock, Hill, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Nelson, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Varnell, Walker, Waul and Woods—38.

So the House ordered the main question.

And the main question being put, (the engrossment of the ordinance,) the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Ireland, Johnson of Tarrant, Lane, Latimer, Mabry, Middleton, Nelson, Norris, Parker, Randolph, Record, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Whitfield and Young—41

Nays—Messrs. Bacon, Bryan, Dalrymple, Davis of Webb, Degener, Dickson, Giddings, Gurley, Halbert, Hancock, Hill, Hunt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Roberts, Runnels, Selman, Shepard, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul, Wilson and Woods—39.

So the bill was ordered to be engrossed.

Mr. Slaughter moved to reconsider the vote ordering the ordinance to be engrossed.

Mr. Slaughter withdrew his motion to reconsider.

Mr. Slaughter renewed his motion to reconsider.

Mr. Henderson moved to lay the motion to reconsider on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Halbert, Hart, Henderson, Hurt, Johnson of Titus, Lane, Latimer, Middleton, Murchison, Nelson, Norris, Parker, Record, Richardson, Saunders, Saufley, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Whitfield, Wilson and Young—40.

Nays—Messrs. Armstrong, Bacon, Bryan, Dalrymple, Davis of Webb, Dickson, Frazier, Giddings, Gurley, Hancock, Hill, Hunt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Slaughter, Smith of Colorado, Spaight, Thompson, Tyus, Varnell, Walker, Waul, and Woods—40.

So the House refused to lay the motion to reconsider on the table.

On motion of Mr. Henderson, a call of the House was ordered.

Mr. Norton moved to suspend the call.

Lost.

Mr. Hunt having agreed to pair off with Mr. Lindsey, who was absent in attendance on a sick friend,

On motion of Mr. Hart, the call was suspended.

The question recurring on the motion to reconsider, the same was put, and the reconsideration refused, by the following vote:

Yeas—Messrs. Armstrong, Bacon, Bryan, Dalrymple, Davis of Webb, Dickson, Giddings, Gurley, Hancock, Hill, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, Waul and Woods—39.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Halbert, Hart, Henderson, Hurt, Johnson of Titus, Lane, Latimer, Middleton, Murchison, Nelson, Norris, Parker, Record, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Whitfield, Wilson, and Young —41.

The Convention refused to reconsider.

Mr. Henderson moved to take up Article VIII, Freedmen.

Lost.

The report and ordinances from the committee on Condition of the State, in regard to the ordinance ofsecession, taken up.

Reports and ordinances read.

Mr. Hart moved to substitute the minority report for that of the majority.

Mr. Flanagan moved to adjourn till 3 o'clock.

Lost.

On motion of Mr. Slaughter, Convention adjourned till 7½ o'clock this evening, pending Mr. Hart's motion.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The question pending at the hour of the last adjournment, viz: the motion of Mr. Hart to substitute the minority for the majority report of the committee on the Condition of the State, touching the ordinance of secession, again taken up.

Mr. Gentry moved that the Convention vote upon the proposition without further discussion.

On motion of Mr. Hart, the Convention adjourned until 9½ o'clock, A. M., to-morrow.

THURSDAY, March 8th, 1866.

Convention met pursuant to adjournment. Prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Smith of Colorado made the following report:

Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on the General Provisions of the Constitution having had under consideration the power and propriety of a county, city or town becoming a stockholder, or loaning its credit, instruct me to report the accompanying ordinance, and recommend its adoption, in order that there may be no doubts attending the exercise of such power in the manner prescribed in the proposed ordinance:

SEC. —. Any county, city, or town of this State may become a stockholder in, or loan its credit to any company, association, or corporation, provided two-thirds of the qualified electors of such county, city, or town, voting at an election held therein under rules and regulations prescribed by law, assent to the same.

Read first time, to come up in order.

Mr. Slaughter introduced the following ordinance:

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That in addition to the real property heretofore exempted from forced sale by the Constitution of the State of Texas, *personal* property, to the value of one thousand dollars, be and the same is hereby exempted from forced sale for any debts hereafter contracted, nor shall the owner, if a married man, be allowed to alienate the same without the consent of his wife legally attained.

Read first time, to come up in order.

Mr. Taylor of Fannin offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses ascertain and report what amount of money is actually required to defray the expenses of this Convention per day.

Adopted.

On motion of Mr. Davis of Cherokee, Mr. Norton was added to the committee on Printing and Contingent Expenses.

On motion of Mr. Waul, Mr. Phillips was added to committee on Condition of the State.

On motion of Mr. Hancock, Mr. Bacon was added to Judiciary Committee.

The Convention then proceeded to the consideration of the motion of Mr. Hart to substitute the minority report for the majority, as reported by committee on Condition of the State, repealing the ordinance of secession.

On motion, the Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

On motion of Mr. Jones of Bexar, Mr. Paschal was excused indefinitely on account of pressing business.

On motion of Mr. Beall, Mr. Camp of Upshur was excused for this evening on account of indisposition.

The question pending at the last adjournment, viz: the motion of Mr. Hart, to substitute the minority for the majority report of the committee on Condition of the State, touching the ordinance of secession, again taken up.

Mr. Burke moved the previous question. The House refused to second the motion.

On motion of Mr. Hart, the Convention adjourned until to-morrow at 10 o'clock.

FRIDAY, March 9th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Spaight, from committee on Legislative Department, made the following report:

COMMITTEE ROOM, March 9th, 1866.

To Hon. D. C. Dickson, President pro tem. of Convention:

The committee on the Legislative Department, to whom was referred the resolution in relation to the election of Governor, members of the Legislature, and other State officers, have had the same under consideration, and instruct me to report the accompanying ordinance, and recommend its adoption.

Received, to come up in order.

AN ORDINANCE,

Providing for the election of State officers, and fixing the time for the meeting of the Legislature.

SEC. 1. *Be it ordained, by the People of Texas, in Convention assembled,* That an election shall be held on the first Monday in May, A. D. 1866, in the several counties of this State, for all the State and county officers who, under the Constitution and laws, are elected by the people.

SEC. 2. *Be it further ordained,* That the officers elected under this ordinance, shall hold their respective offices from the date of their installation to the first Monday in August, A. D. 1866, and thereafter for the full term prescribed by law.

SEC. 3. *Be it further ordained,* That the Legislature of the State of Texas shall meet at the seat of Government thereof, and begin their session on the first Monday in June, A. D. 1866.

SEC. 4. *Be it further ordained,* That, in order to carry out the provisions of this ordinance, the Provisional Governor of this State be, and he is hereby authorized and requested to issue his proclamation as early as may be, ordering an election to be held in the several counties of this State at the time, and for the purposes specified in this ordinance.

Read first time.

Mr. Roberts made the following report from Judiciary Committee:

COMMITTEE ROOM, March, 1866.

To Hon. D. C. Dickson, President of the Convention, pro tem:

The Judiciary Committee, to whom was referred the resolution of the delegate from Travis and Williamson counties, (Mr. Dalrymple,) in relation to a valuation upon forced sales of debtors' property, have instructed me to report the same back, with the recommendation that the Convention should not act upon the same, inasmuch as it is a subject more appropriate for the action of the Legislature, which body will have the same power to act on such a subject as this Convention has. Which is respectfully submitted.

Received, to come up in order.

Mr. Roberts made also the following report:

COMMITTEE ROOM, March 9th, 1866.

Hon. D. C. Dickson, President of Convention:

The Judiciary Committee, to whom was referred the resolution of the delegate from Goliad, (Mr. Camp,) relating to the consolidation of the offices of Sheriff and Assessor, have instructed me to report it back, and ask to be relieved from the consideration thereof, the same subject being now before the Convention in the report of the committee on the Legislative Department.

Respectfully submitted.

Received, to come up in order.

Mr. Phillips made the following report from Judiciary committee:

Hon. D. C. Dickson, President pro tem. of Convention:

SIR: The committee on the Judiciary, to whom was referred an ordinance relative to the statute of limitation, have instructed me to report a substitute for the same, and recommend its adoption:

Be it ordained by the people of Texas, in Convention assembled, That in all civil actions, the time between the second day of March, 1861, and the second day of September, 1866, shall not be computed in the application of any statute of limitation: actions for offences against penal laws, and causes of action arising *ex delicto*, are excepted from the provision of this ordinance.

Read first time.

Mr. Gentry offered the following report:

COMMITTEE ROOM, March 8th, 1866.

To the President of the Convention:

The committee on Internal Improvements beg leave to report the accompanying Sec., No. 33, and to recommend its adoption as a substitute for Sec. 33 of the General Provisions of the Constitution:

The committee has considered the resolution referred to it, relating to the St. Louis and South West Branch Railroad, and beg leave to report the same back, and to recommend their adoption. All of which is respectfully submitted.

I. A. PASCHAL, Chairman.

Received, to come up in order.

SUBSTITUTE

For Sec. 33, Art. VIII, General Provisions of Constitution.

SEC. 33. A well regulated system of Internal Improvements, together with mining and manufacturing, is calculated to develop the resources of the State, and promote the happiness and prosperity of the citizens; therefore, the Legislature shall have power, and it shall be its duty, to encourage the same; and the Legislature shall have power to guarantee the bonds of railroad companies to any amount, not exceeding in any case the sum of fifteen thousand dollars per mile: *provided*, that in no case shall the State guarantee the payment of the bonds of any railroad company, until such company shall have previously graded and prepared at least ten miles of its roadway ready to lay the iron rails thereon, and so on continuously, on each section of the road, until the same may be completed, and which bonds shall always be secured by a lien or first mortgage upon the road, rolling stock, depots, and franchise of the corporation, whose bonds may be guaranteed on such terms and conditions as the Legislature may prescribe: and further *provided*, that all mining companies, incorporated or encouraged by the Legislature, shall pay into the State Treasury a tax of one per cent. upon the net proceeds of such mining companies; and in no case shall the State guarantee the payment of the bonds of railroad companies as herein provided, nor shall the State borrow money for any purpose whatever; nor shall it authorize any county, city or town to subscribe for stock in any railroad, manufacturing or mining company, except by a vote of two-thirds of both Houses of the Legislature; and no county, city or town shall ever subscribe for stock in any railroad, manufacturing or mining company, except by a vote of two-thirds of all the votes cast at any election held in such county, city or town for said purpose.

On motion of Mr. Gentry, rule was suspended, and 200 copies of the ordinance ordered to be printed, and made special order for Wednesday next.

Mr. Randolph made the following report from the committee on Enrolled and Engrossed Ordinances:

COMMITTEE ROOM, March 9th, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 3d Article of the Constitution, and find the same correctly engrossed.

Mr. Wilson introduced the following ordinance:

AN ORDINANCE,

Requiring the Legislature, at its first session, to repeal and amend the laws of this State.

Be it ordained, by the people of Texas, in Convention assembled, That the Legislature shall, at its first session, repeal and amend the laws of this State, civil and criminal, so as to make them conform to the Constitution and laws of the United States, to the Constitution of this State, and to the ordinances adopted by this Convention.

Referred to the committee on General Provisions of the Constitution.

Mr. Beall offered the following resolution:

Whereas, the length of time already consumed by this Convention has exceeded the expectations of the people of the State: and whereas, much time is uselessly occupied by numerous and lengthy speeches,

Resolved, That no member be permitted to occupy the floor for a longer time than ten minutes.

On motion of Mr. Beall, rule was suspended, and resolution read a second time.

Mr. Runnels offered the following amendment:

"And that the Convention proceed to consider the business for which it was assembled exclusively, until the same shall be disposed of."

Mr. Norton moved to lay resolution and amendment on the table.

Upon which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Gurley, Hancock, Hurt, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Phillips, Reeves, Roberts, Saunders, Selman, Shepard, Shuford, Smith of Colorado, Smith of Lamar, Varnell, Woods, and Young—33.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dickson, Giddings, Halbert, Hart, Henderson, Hunt, Ireland, Johnson of Titus, Lane, Latimer, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Richardson, Runnels, Saufley, Shields, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—42.

So the motion to lay on the table was lost.

Mr. Runnels' amendment was then adopted.

Mr. Walker offered the following amendment: by striking out "ten," and insert "thirty."

Upon which the Yeas and Nays were ordered, and resulted thus:

Yeas—Messrs. Armstrong, Bacon, Bradshaw, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Gurley, Hancock, Hart, Hunt, Hurt, Ireland, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Saunders, Selman, Shepard, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Woods, and Young—45.

Nays—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bumpass, Burke, Camp of Upshur, Clements, Davis of Cherokee, Dickson, Flanagan, Giddings, Halbert, Henderson, Hill, Johnson of Titus, Mabry, Norris, Perry, Richardson, Runnels, Saufley, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Waul, Whitfield, and Wilson—33.

So the amendment was adopted.

Mr. Phillips offered the following amendment: Strike out the preamble. Which was accepted.

Mr. Norton moved to lay the resolution and amendment on the table; on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Davis of Webb, Degener, Drake, Flanagan, Gurley, Hancock, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Phillips, Record, Reeves, Saunders, Selman, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—30.

Nays—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Frazier, Gentry, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Titus, Latimer, Norris, Parsons, Perry, Porter, Randolph, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul and Whitfield—46.

So the motion to lay on the table was lost.

Question recurring on the adoption of the resolution as amended, Mr. Saufley moved to reconsider the vote adopting the amendment of Mr. Runnels.

Mr. Henderson moved to adjourn for half an hour.

Lost.

Mr. Ireland moved to lay the motion to reconsider on the table; on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Flanagan, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Nelson, Norris, Parsons, Porter, Runnels, Saunders, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Walker, Waul, Whitfield, and Wilson—47.

Nays—Messrs. Armstrong, Davis of Webb, Degener, Gentry, Hancock, Hurt, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Richardson, Saufley, Selman, Varnell, Woods and Young—22.

Motion prevailed.

Mr. Ireland moved the previous question, on which the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Gentry, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Mabry, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Spaight, Taylor of Fannin, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Wilson—50.

Nays—Messrs. Armstrong, Bacon, Davis of Webb, Degener, Flanagan, Hancock, Hurt, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Norton, Parker, Perry, Saunders, Shuford, Smith of Colorado, Varnell, Woods and Young—21.

The previous question being ordered, which was the adoption of the resolution, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Flanagan, Giddings, Halbert, Hart, Henderson, Hill, Hunt, Ireland, Johnson of Titus, Latimer, Nelson, Norris, Parsons, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shields, Shuford, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—45.

Naays—Messrs. Armstrong, Bacon, Davis of Webb, Degener, Drake, Gentry, Hancock, Hurt, Johnson of Tarrant, Jones of Bastrop, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Perry, Phillips, Saunders, Selman, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Varnell, Woods and Young—27.

Resolution was therefore adopted.

Mr. Mabry, by leave of the Convention, made the following report, from the committee on General Provisions Constitution:

COMMITTEE ROOM, March 7th, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on General Provisions Constitution, to which was referred "an ordinance to legalize the formation of counties heretofore established, containing an area of less than nine hundred square miles," have had the same under consideration, and unanimously direct me to report the following, as a substitute for Section 34, Article VII, of the Constitution:

SEC. 34. The Legislature may, from time to time, establish new counties for the convenience of the inhabitants of such new county or counties; *provided*, that no new counties shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area, than nine hundred square miles, unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents; *provided, further*, that all counties heretofore created, of less area than nine hundred square miles, are hereby declared to be legally constituted counties. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Read first time, to come up in order.

The report of the committee on Condition of the State, repealing the ordinance of secession, was taken up.

Mr. Hart's motion to substitute the minority for the majority report being under consideration,

Mr. Parsons moved to adjourn until 3½ o'clock, P. M.

Lost.

Mr. Davis of Cherokee moved to adjourn until 7½ o'clock, P. M. Lost.

On the question being put, the Yeas and Nays were ordered, (when Mr. Richardson paired off with Mr. Lindsey, who was absent,) and stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—34.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—44.

So the motion to substitute was lost.

Mr. Mabry offered the following, as a substitute for the majority report:

AN ORDINANCE,

Declaring void the Ordinance of Secession.

We the people of Texas, by delegates in Convention assembled, recognizing the Constitution of the United States, and the laws made in pursuance therof, as the supreme law of the land, therefore,

Do ordain and declare, That the ordinance of secession, passed by the people of Texas on the 2d of March, 1861, was, in legal contemplation, void, being revolutionary in character, and subject to the general principles applicable to revolutions.

On motion of Mr. Waul, Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment; roll called; quorum present.

The Convention proceeded to the consideration of the substitute offered by Mr. Mabry, for the majority report of the committee on Condition of the State, which was pending on the last adjournment.

Mr. Parsons moved to lay the substitute on the table, on which the Yeas and Nays were ordered and stood:

Yeas—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Frazier, Giddings, Halbert, Hurt, Ireland, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Selman, Shepard, Shuford, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul and Wilson —37.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Cherokee, Drake, Flanagan, Hancock, Hill, Hunt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Norton, Ranck, Saunders, Saufley, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—31.

Substitute laid on the table.

Mr. Whitfield paired off, in telling the last vote, with Mr. Throckmorton, who was absent, sick.

Mr. Reeves offered the following substitute:

The fate of war having settled the question that the right, as heretofore claimed, of a State to withdraw from the Union, does not exist,

We the people of Texas, in Convention assembled, ordain and declare, That we now seek to be restored to the Union, on the basis of such settlement, accepting the same as final, renouncing the right of secession as asserted by the ordinance of February 1st, 1861, entitled "an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America."

Mr. Parsons moved to lay the substitute on the table.

Motion withdrawn.

Mr. Hancock offered the following substitute:

AN ORDINANCE,

Declaring void the Ordinance of Secession.

We the people of Texas, by delegates in Convention assembled, recognizing the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, and that Texas is, and has been since the consummation of annexation, one of the States of the Union, and her citizens entitled to all the privileges and immunities that are guaranteed by the Constitution and laws of the United States to the citizens of any of the States of the Federal Union, *Do therefore ordain and declare,* That the ordinance of secession, passed by the people of Texas on 2d of March, 1861, was, in legal effect, void, being revolutionary in its character, and subject to the general principles applicable to revolutions.

Mr. Parsons moved to lay both substitutes on the table.

Mr. Phillips moved a division of the question.

Mr. Whitfield was allowed to pair off with Mr. Throckmorton.

The Yeas and Nays were ordered on laying Mr. Hancock's motion on the table, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Giddings, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul and Wilson—37.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—33.

Mr. Selman maved a call of the House.

The question being on laying Mr. Reeves' substitute on the table, the Yeas and Nays were again ordered, and stood:

Yeas—Messrs. Armstrong, Bacon, Ball, Bradshaw, Bumpass, Clements, Davis of Webb, Degener, Flanagan, Frazier, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, Middleton, Murchison, Norton, Norris, Parker, Parsons, Porter, Randolph, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron and Varnell—40.

Nays—Messrs. Allen, Anderson, Beall, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Drake, Giddings, Halbert, Jones of Bexar, Lane, McCormack, Nelson, Perry, Phillips, Reeves, Roberts, Selman, Smith of Colorado, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson and Woods—31.

So the substitute laid on the table.

Mr. Smith of Colorado offered the following substitute:

SECTION — *Be it ordained by the people of the State of Texas in Convention assembled,* That an ordinance passed by a Convention sitting in the city of Austin in the State of Texas, on the 1st day of February, A. D. 1861, entitled "an ordinance to dissolve the Union between the State of Texas and the other States, under the compact styled 'the Constitution of the United States of America,'" was, by the force of the Constitution and laws of the United States, null and void.

Mr. Parsons moved to lay the substitute on the table, on which the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Allen, Armstrong, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—39.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Hancock, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Woods—35.

So the substitute was laid on the table.

Mr. Hurt offered the following substitute:

We the people of Texas, by delegates in Convention assembled, acknowledging the supremacy of the Constitution of the United States, and laws in pursuance thereof, and renouncing the right of secession,

Do ordain and declare, That an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America, adopted by a Convention at Austin, on the 1st day of February, 1861, is null and void, and the right of a State to secede from the Federal Government is hereby renounced for all time to come.

Mr. Parsons moved to lay on the table, on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Ball, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Jones of Bastrop, Ledbetter, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Taylor of Houston, Tyus, Walker, Waul and Woods—43.

Nays—Messrs. Allen, Anderson, Armstrong, Beall, Bumpass, Davis of Cherokee, Drake, Flanagan, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, McCormack, Middleton, Norton, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thompson, Varnell, Whitfield and Wilson—29.

So the substitute was laid on the table.

Mr. Mabry offered the following substitute:

Be it ordained by the people of the State of Texas in Convention assembled, That the Constitution of the United States, and laws made in pursuance thereof, having been, since their adoption by the people of Texas, the supreme law of the land, it is hereby declared that no separate State action can annul the same.

Mr. Bradshaw moved the main question, which was seconded.

The Convention refused to order the main question, by the following vote:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Ireland, Norris, Parsons, Perry, Phillips, Porter, Randolph, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Walker, Waul and Wilson—34.

Nays—Messrs. Armstrong, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Ranck, Reeves, Saunders, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell, Whitfield and Woods—40.

The question recurring on the adoption of substitute offered by Mr. Mabry,

Mr. Parsons moved to lay the substitute on the table.

The Yeas and Nays were ordered, and stood:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Webb, Degener, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Hurt, Ireland, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Roberts, Runnels, Saufley, Selman, Shepard, Shuford, Taylor of Houston, Thompson, Tyus, Waul, Whitfield and Wilson—42.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Cherokee, Drake, Flanagan, Hancock, Hill, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Norton, Saunders, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell and Woods—28.

Laid on the table.

Mr. Reeves moved to amend by inserting after the word "thereof," the words "and renouncing the right of secession."

The Yeas and Nays were ordered on the amendment, and stood:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Mabry, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Roberts, Saufley, Shepard, Spaight, Taylor of Houston, Tyus, Walker, Whitfield, Wilson and Woods—37.

Nays—Messrs. Armstrong, Bacon, Bradshaw, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Ranck, Richardson, Runnels, Saunders, Selman, Shields, Shaw, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Waul—39.

So the amendment was lost.

Mr. Mabry offered the following amendment:

By striking out the words "annulled and," in last line, and the word "further," in same line.

Mr. Slaughter offered the following substitute:

AN ORDINANCE,

Declaring the Ordinance of Secession Null and Void.

Be it ordained by the people of Texas, in Convention assembled, That an ordinance adopted by a former Convention of the people of Texas, on the 1st of February, 1861, entitled an ordinance to dissolve the Union between the State of Texas and the other States, united under the compact styled the "Constitution of the United States of America," be and the same is hereby declared null and void, and the claim of the right of the State of Texas to secede from the Union is hereby solemnly renounced.

On motion, the Convention adjourned until 9½ o'clock, A. M. to-morrow, pending Mr. Slaughter's substitute.

SATURDAY, March 10th, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present.

On motion of Mr. Davis of Cherokee, Mr. Benge was excused on account of indisposition.

Journal of yesterday was read and adopted.

On motion of Mr. Saunders, Mr. Young was excused till Monday morning, on account of indisposition.

On motion of Mr. Allen, Mr. Hart was excused until Monday morning because of sickness.

On motion of Mr. Dalrymple, the assistant Sergeant-at-Arms, Mr. Stubbleford, was excused until Monday morning, because of sickness.

Mr. Armstrong introduced the following

ORDINANCE.

Be it ordained by the people of the State of Texas in Convention assembled, That immediately after the adjournment of this Convention the Provisional Governor of this State shall issue his Proclamation, directing the Chief Justices of the several counties of this State to cause polls to be opened in their respective counties, at the established precincts, on the 1st Monday in June, 1866, for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this Constitution, and the vote of all persons entitled to vote under existing laws shall be received; all voters who may be in favor of adopting the Constitution shall say "for the Constitution" on their ticket; those opposed shall say "Constitution rejected." The election shall be conducted in conformity with existing laws regulating elections, and the Chief Justices of the several counties shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the Secretary of State, and the other deposited in the Clerk's office of the county.

Read first time, and referred to the committee on the Condition of the State.

Mr. Halbert offered the following resolution:

Resolved, That —— is hereby authorized to sell at public outcry, or otherwise, the machinery for making percussion caps, the property of the State of Texas, and report the same to the Legislature at its next session.

Laid over for consideration.

Mr. Phillips offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses have printed, for the use of the members of the Convention, 200 copies of each ordinance not yet printed, that is or may be reported by the several committees.

Adopted.

Mr. Norris offered the following resolution:

Be it Resolved by the Convention, That the committees on Public Lands and Indian Affairs be instructed to inquire into the expediency of giving to actual settlers upon the unappropriated public domain of the State, three hundred and twenty acres of land, upon condition that they shall remain upon the same for the space of three years after settlement.

Adopted.

On motion of Mr. Parsons, Mr. Davis of Cherokee was added to the committee on Condition of the State.

On motion of Mr. Hancock, the Second Assistant Secretary, Mr. Hutchins, was excused from attendance from Monday next until Wednesday evening.

The Convention again proceeded to the consideration of the report of the majority of the committee on Condition of the State, Mr. Slaughter's substitute pending.

Mr. Runnels moved to reconsider the vote taken on last night refusing to adopt the amendment proposed by Mr. Reeves, to the ordinance reported by the majority of the committee on Condition of the State, touching the ordinance of secession.

The vote being taken by Yeas and Nays, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Mabry, Nelson, Norris, Parker, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—50.

Nays—Messrs. Bacon, Bumpass, Davis of Webb, Degener, Flanagan, Hill, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parsons, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Varnell—26.

So the House voted the reconsideration.

The question recurring on the adoption of the amendment offered by Mr. Reeves, and the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Johnson of Tarrant, Lindsey, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—44.

Nays—Messrs. Armstrong, Bacon, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Hill, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Varnell—30.

So the amendment was adopted.

Mr. Ireland moved the previous question, which being seconded, Mr. Norton moved a call of the House.

Call sustained.

On motion of Mr. Henderson, call suspended.

The question recurring on the motion of Mr. Ireland, the main question was ordered by the following vote:

Yeas—Messrs. Armstrong, Bacon, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Davis of Webb, Degener, Flanagan, Frazier, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Ireland, Johnson of Titus, Lane, Ledbetter, Mabry, Murchison, Nelson, Norris, Parker, Perry, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, and Wilson—49.

Nays—Messrs. Allen, Anderson, Bacon, Dickson, Drake, Halbert, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Lindsey, McCormack, Middleton, Norton, Parsons, Saunders, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, and Woods—28.

The main question being put, (the engrossment of the ordinance,) and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Davis of Cherokee, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Ireland, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—36.

Nays—Messrs. Allen, Armstrong, Bacon, Bumpass, Davis of Webb, Degener, Dickson, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield and Woods—41.

So the House refused to engross the ordinance.

Mr. Davis of Webb made motion to reconsider the vote just taken, refusing the engrossment of the ordinance.

Carried.

On motion of Mr. Gentry, the vote was reconsidered which refused the motion of Mr. Hart to substitute the minority for the majority report, touching the ordinance of secession.

The question recurring on the motion of Mr. Hart, Mr. Waul moved to adjourn. Lost.

Mr. Roberts offered the following substitute:

SEC. —. *We, the people of the State of Texas, in Convention assembled*, acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof, do ordain, that an ordinance passed on the 1st of February, A. D. 1861, by the Convention then assembled at the city of Austin, and adopted by the people of the State, on the 2d of March, A. D. 1861, entitled "An ordinance to dissolve the union between the State of Texas and the other States under the compact styled the Constitution of the United States of America," be and the same is hereby declared null and void.

On motion, the Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

The question pending at the hour of the last adjournment, viz: the substitute of Mr. Roberts for the minority report, again taken up.

The question recurring on the adoption of said substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Hunt, Ireland, Lindsey, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—38.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Henderson, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, and Young—38.

So the substitute was lost.

Mr. Saufley offered the following substitute:

Resolved, That the ordinance of secession, as passed by the people of Texas in Convention assembled, March 2d, 1861, having been settled by the fate of war, therefore,

We, the delegates of the people of Texas, in Convention assembled, accept the settlement as final, and forever renounce the right of any State to secede from the Federal Union, fully acknowledging the supremacy of the Constitution of the United States, and laws made in pursuance thereof.

Mr. Davis of Webb moved to lay the substitute on the table.

Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Murchison, Norton, Parker, Perry, Ranck, Richardson, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Tyus, Varnell, and Young—41.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Gurley, Henderson, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Slaughter, Spaight, Taylor of Houston, Thompson, Walker, Waul, Whitfield, and Wilson—34.

So the substitute was tabled.

Mr. Hancock offered the following substitute:

AN ORDINANCE,

Declaring the nullity of the so called ordinance to dissolve the Union between the State of Texas and the other States, under the compact styled the Constitution of the United States of America, adopted in Convention at Austin city on the 1st day of February, A. D. 1861.

The people of the State of Texas, by their delegates, in Convention assembled, fully recognizing that the Constitution and the laws of the United States made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme law in all the States of the American Union known as the United States, do therefore ordain and declare, that the pretended act of secession, called an ordinance to dissolve the union between the State of Texas and the other States, united under a compact styled the Constitution of the United States of America, adopted in Convention at the city of Austin, on the 1st day of February, A. D. 1861, was, from the beginning, null and void.

The question recurring on the adoption of the substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Drake, Flanagan, Hancock, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Perry, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, and Young—38.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Clements, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Wilson—36.

So the substitute was adopted.

Mr. Davis of Cherokee paired off with Mr. Selman, who was absent, sick, in counting the last vote.

The question recurring on the adoption of the substitute of Mr. Hancock for the majority report, Mr. Slaughter offered the following as a substitute:

AN ORDINANCE,

Declaring the Ordinance of Secession null and void.

Be it ordained by the people of Texas, in Convention assembled, That we acknowledge the supremacy of the Constitution of the United States, and the laws passed in pursuance thereof, and that an ordinance adopted by a former Convention of the people of Texas, on the 1st day of February, A. D. 1861, entitled "an ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled Constitution of the United States of America," be and the same is hereby declared null and void, and the right heretofore claimed by the State of Texas to secede from the Union, hereby distinctly renounced.

Mr. Richardson moved to lay the substitute on the table.

On motion of Mr. Johnson of Tarrant, the Convention adjourned until Monday morning, 9½ o'clock, pending Mr. Richardson's motion to lay Mr. Slaughter's substitute on the table.

MONDAY, March 12th, 1866.

Convention met pursuant to adjournment. Prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Norton, chairman of committee on Condition of the State, made report;

COMMITTEE ROOM, March 12th, 1866.

Hon. D. C. Dickson, President, pro tem., of Convention:

The committee on the Condition of the State, having had several resolutions referred to them, upon the subject of extending relief to debtors, have had the same under consideration, and beg leave to report the accompanying ordinance, and recommend it passage.

AN ORDINANCE,

To provide for the Payment of Debts.

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the Legislature shall have power to pass laws for the relief of debtors, by authorizing a stay of execution upon judgments heretofore rendered, or which may be hereafter rendered, upon debts and liabilities heretofore contracted or incurred, by a stay of execution, from year to year, or from court to court, for not more than four years; upon condition that the interest and one-fourth of the principal be paid in each year; and the Legislature shall provide in all such cases for securing creditors by liens upon such property of the debtors and otherwise, as may be necessary and proper.

SEC. 2. The Legislature may also restrain the collection of debts heretofore contracted, secured by deeds of trust and mortgages, upon the same terms as they may prescribe for stay of execution upon judgments.

SEC. 3. It is hereby declared that all statutes of limitations heretofore passed shall be deemed and held to be inoperative from the first day of February, eighteen hundred and sixty-one, to this time.

Read first time, and takes its place among orders of the day.

Mr. Roberts, chairman of committee on the Judiciary, made report:

COMMITTEE ROOM, March 12th, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

The Judiciary Committee, to whom was referred the resolution of the delegate from Bowie, (Hon. H. R. Runnels,) directing an inquiry into the propriety of preventing certain suits and prosecutions from being brought, for injuries done under the authority of the Confederate States, or of this State, have had the same under consideration, and direct me to report the accompanying ordinance upon the subject, and recommend its adoption.

AN ORDINANCE,

To Prevent the Bringing of Certain Civil Actions and Criminal Prosecutions.

Be it ordained by the people of the State of Texas in Convention assembled, That no person shall be sued in any civil action, nor prosecuted in any criminal proceeding, for or on account of any seizure, impressment, or injury to property or person, or other act done since the 2d day of February, 1861, by virtue or in pursuance of military authority given by the Confederate States Government, or by this State, or in pursuance of orders given by any person vested with such authority; nor shall any person be held responsible in any civil action, or criminal prosecution, for any such injury to person or property, in which he was not an actual participant.

Read first time, and placed among orders of the day.

Mr. Waul introduced following ordinance:

AN ORDINANCE,

To Secure the Possession and Property of the Salt Lake, known as "El Sal del Rey," in the State of Texas.

Whereas, the salt lake in Hidalgo county, known as "El Sal del Rey," was reserved as the property of the crown of Spain, and the title having become vested the State, and it being desirable to secure the revenues thereof to the State:

Be it ordained, by the people of the State of Texas, in Convention assembled, That the Legislature at its next session shall cause possession to be taken of the salt lake known as "El Sal del Rey," for the benefit of the State, and shall pass such laws as may be necessary to provide for the settlement and final disposition of all claims that may be made by any person or persons, adverse to the right of the State.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Beall offered the following resolution:

Resolved, That this Convention adjourn, *sine die*, on Monday, 26th inst., at 10 o'clock, A. M.

Laid over one day, for consideration.

Mr. Giddings offered the following resolution:

Resolved, That the President of the United States be requested to appoint a commissioner, to visit Texas, for the purpose of ascertaining the real condition of the freedmen, and the feeling and disposition of their former masters towards them, with a view of gaining such reliable information as will enable the government to determine the necessity of a longer continuance of the Freedman's Bureau in this State.

Read first time, and referred to committee on Condition of the State.

The question pending at the hour of the last adjournment, viz: the motion of Mr. Richardson to lay the substitute of Mr. Slaughter on the table,

The question recurring on said motion, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—37.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—42.

So the motion to lay on the table was lost.

The question recurring on the adoption of Mr. Slaughter's substitute, and during the debate Mr. Smith of Colorado having occupied the floor thirty minutes was called to order by the Speaker, under the rule, and the question being shall the gentleman have leave to proceed? and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Benge, Bryan, Clements, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Frazier, Gentry, Gurley, Halbert, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Parsons, Porter, Ranck, Reeves, Richardson, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Tyus, Varnell, Walker, Waul, Whitfield and Young—52.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bradshaw, Burke, Bumpass, Camp of Upshur, Dickson, Giddings, Henderson, Hunt, Lindsey, Norris, Perry, Phillips, Randolph, Runnels, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Wilson and Woods—24.

So the Convention granted Mr. Smith leave to proceed.

The question again recurring on the adoption of the substitute of Mr. Slaughter, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—42.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnel, Woods and Young—39.

So the substitute was adopted in lieu of the substitute introduced by Mr. Hancock.

The question recurring on the adoption of the substitute just adopted, for the majority report,

Mr. Shields moved to amend the substitute by adding the words "from the beginning," after the words "null and void."

Mr. Henderson moved to lay the motion on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—42.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—39.

So the proposition was laid on the table.

The question again recurring on the adoption of the substitute for the majority report,

Mr. Hart moved to adjourn till 7½ o'clock to-night.

Lost.

The question again recurring on the adoption of said substitute for the majority report, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—46.

Nays—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hart, Hill, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—36.

So the substitute of Mr. Slaughter was substituted for the majority report.

The question being the engrossment of the ordinance,

Mr. Norton offered following as an amendment:

"Amend by inserting after the word "void;" "and declared to have been so *jam dudum*."

Amendment withdrawn.

The question recurring on the engrossment of the ordinance, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Frazier, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—43.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Ranck, Richardson, Saunders, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—37.

So the House ordered the ordinance to be engrossed.

By leave, Mr. Davis of Cherokee offered following resolution;

Resolved, That the Hon. C. A. Frazier be indefinitely excused from attendance upon the Convention, and that the Secretary furnish him the proper certificate to draw his mileage and per diem to this date.

Adopted.

Mr. Henderson moved to reconsider the vote ordering the engrossment of the ordinance under consideration, and further moved to lay said motion on the table.

Mr. Flanagan moved to adjourn till 7½ o'clock this evening, on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Norton, Ranck, Saunders, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—34.

Nays—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Bumpass, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson and Woods—44.

So the House refused to adjourn.

The question recurring on the motion of Mr. Henderson to lay on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Bryan, Bradshaw, Burke, Camp of Upshur, Clements, Dalrymple, Dickson, Drake, Gentry, Giddings, Gurley, Halbert, Henderson, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Wilson—44.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Ranck, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Woods and Young—36.

So the motion was tabled.

On motion of Mr. Flanagan, the Convention adjourned till 7½ o'clock this evening.

7½ O'CLOCK, P. M.

Convention met; roll called; no quorum.

Absentees—Messrs. Allen, Bryan, Davis of Webb, Degener, Flanagan, Hancock, Hart, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Parker, Ranck, Richardson, Saunders, Shuford, Shields, Taylor of Fannin, Thomas of Cameron, Varnell and Young.

No quorum appearing,

On motion of Mr. Spaight, Convention adjourned to meet to-morrow morning at 10 o'clock.

TUESDAY, March 13th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read, and adopted.

Mr. Johnson, chairman committee on Public Lands, made the following report:

COMMITTEE ROOM, March 9, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on Public Lands, to whom was referred a resolution requiring them to inquire into the expediency of giving to actual settlers upon the unappropriated public domain of the State three hundred and twenty acres of land, have had the same under consideration, and instruct me to report the accompanying ordinance, and recommend its adoption by the Convention:

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That all persons, or their assigns, who have settled upon and improved, or may hereafter settle upon and improve any of the unappropriated public domain of the State, and shall occupy the same continuously for the space of three years from the date of such settlement, shall be entitled to a donation of three hundred and twenty acres of land, to be surveyed in a body, including his or her improvement. And the Legislature shall provide such regulations as may be necessary to carry this ordinance into immediate effect. *Provided*, that in all cases the occupant shall pay the legal fees for surveying and patenting the same.

Ordinance read first time, and passed to orders of the day.

Mr. Dalrymple, chairman committee on Indian Affairs, made the following report:

COMMITTEE ROOM, March 12th, 1866.

Hon. D. C. Dickson, President, pro tem., Convention:

The committee on Indian Affairs, to whom was referred a resolution requiring them to inquire into the expediency of giving to actual settlers upon the unappropriated public domain of the State three hundred and twenty acres of land, have had the same under consideration, and instruct me to report the accompanying ordinance, and recommend its adoption. They also instruct me to report that, taken in connection with other measures of frontier protection which are now under consideration in your body, they regard it as preferable to any other means within the power of the State for protecting the people of the frontier.

AN ORDINANCE.

Be it Ordained, by the People of Texas in Convention assembled, That all persons, or their assigns, who have settled upon and improved, or may hereafter settle upon and improve any of the unappropriated public domain of the State, and shall occupy the same continuously for three years from the date of such settlement, shall be entitled to a donation of three hundred and twenty acres of land, to be surveyed in a body, including his or her improvement. And the Legislature shall provide by law such regulations as shall be necessary to carry this ordinance into immediate execution. *Provided*, That in all cases the occupant shall pay the legal fees for surveying and patenting the same.

Ordinance read first time, and passed to orders of the day.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following Report:

COMMITTEE ROOM, March 12, 1866.

To Hon. D. C. Dickson, President of the Convention, pro tem:

The committee on Engrossed and Enrolled Ordinances have examined the ordinance annulling the ordinance of secession, and find the same correctly engrossed.

Report adopted.

ORDERS OF THE DAY.

The report of the committee on the General Provisions of the Constitution, reporting back amendments to Art. VIII, Freedmen, taken up, and the question being on the adoption of the amendments proposed by the committee, on motion of Mr. Mabry, a division of the amendments was ordered.

The question being on the adoption of the first amendment, on motion, it was adopted.

The question of the second amendment being before the House, Mr. Mabry offered amendment, as follows:

Add at the end of the 2d Section, "as to facts hereafter occurring."

Adopted.

Mr. Halbert offered the following amendment:

Amend committee's second amendment by striking out the word "other," in the fifth line.

Lost.

The question recurring on the adoption of the committee amendment as amended, and being put, the same was adopted.

Mr. Gurley offered the following amendment to the 2d Section as adopted:

Strike out the word "orally," in second line of 2d Section, and insert after the word race in third line the words, "except that they shall in no case testify by deposition."

Mr. Mabry offered the following as an amendment to the amendment of Mr. Gurley, viz:

After the word "orally," in second line 2d Section, the words "in open court."

Amendment of Mr. Mabry lost.

The question recurring on the amendment of Mr. Gurley, Mr. Taylor of Fannin moved a division of the question.

Carried.

Mr. Flanagan moved to lay the amendment as divided on the table.

Motion prevailed, and amendment laid on the table.

Mr. Davis of Webb proposed to amend as follows:

Strike out "orally," in second line, and, in third line, after the word race, insert, "and the Legislature shall provide such regulations for taking their depositions as will tend to insure the truth."

On motion of Mr. Hunt, amendment of Mr. Davis of Webb laid on the table.

Mr. Allen proposed to amend as follows:

In first line, Sec. 2d, strike out "right," and insert the word "privilege."

Mr. Henderson moved the previous question.

Motion seconded.

The question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bradshaw, Bumpass, Burke, Flanagan, Gentry, Hart, Henderson, Hill, Hunt, Jones of Bastrop, Middleton, Norris, Perry, Reeves, Richardson, Saufley, Selman, Shaw, Smith of Lamar, and Whitfield—24.

Nays—Messrs. Allen, Armstrong, Ball, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Dickson, Drake, Giddings, Gurley, Halbert, Hancock, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Latimer, Mabry, McCormack, Murchison, Nelson, Norton, Parker, Parsons, Phillips, Randolph, Roberts, Runnels, Saunders, Shepard, Spaight, Taylor of Houston, Walker, Waul, Woods, and Young—37.

So the House refused to order the main question.

Mr. Waul proposed to amend as follows, as a substitute for the amendment proposed by Mr. Allen:

Strike out "right to testify," and insert "from testifying."

Adopted.

Mr. Ireland offered the following amendment:

Amend the 2d Section by adding "provided this Section shall not take effect until the Freedman's Bureau is abolished in this State."

On motion of Mr. Norton, laid on the table.

Mr. Walker offered an amendment as follows:

Amend Sec. 1st in 6th line, after "have" insert the word "the." Adopted.

The question recurring on the engrossment of the ordinance, the same was put, and the ordinance was ordered to be engrossed.

On motion of Mr. Waul, the rule was suspended, and the ordinance put on its third and final reading.

Mr. Mabry moved to reconsider the vote ordering the ordinance to be engrossed.

Mr. Hunt moved to lay the motion of Mr. Mabry on the table. Carried.

Mr. Norris proposed to amend as follows:

After the word "orally," in second line, insert the words "in open court, or before the grand jury."

Mr. Saunders moved the previous question. Seconded.

The question being, shall the main question be now put, the same was ordered by the House.

The main question recurring, which was, shall the ordinance pass, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Beall, Benge, Bumpass, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lindsey, Mabry, McCormack, Nelson, Norton, Perry, Phillips, Randolph, Reeves, Richardson, Roberts, Saunders, Shepard, Shields, Shuford, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson, Woods, and Young—47.

Nays—Messrs. Allen, Armstrong, Ball, Bradshaw, Burke, Davis of Webb, Degener, Dickson, Flanagan, Halbert, Hart, Jones of Bastrop, Latimer, Middleton, Murchison, Norris, Parker, Porter, Ranck, Runnels, Saufley, Smith of Colorado, Smith of Lamar, Taylor of Fannin—25.

So the ordinance was passed on its third and final reading, and was ordered to be engrossed.

The report of the committee on Finance and accompanying ordinance, touching the public debt of the State of Texas, taken up.

Mr. Henderson moved to go into committee of the whole to consider the ordinance. Motion lost.

Mr. Henderson moved the previous question. Seconded.

Mr. Gentry moved a call of the House.

Call sustained.

Mr. Henderson withdrew the motion for the previous question.

On motion, call of the House suspended.

On motion of Mr. Gentry, Convention adjourned till 7½ o'clock this evening.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The question pending at the hour of the last adjournment, viz: the report and accompanying ordinance reported by the Finance Committee, touching the public debt, again taken up.

Mr. Roberts offered the following amendment, by way of addition to the 3d Section, viz:

"Except those which would have been included in the necessary and appropriate expenses of the State Government, had there been no civil war; and those may be ascertained and paid, with such equitable discount upon their nominal amount, or face value, as the Legislature may make."

Mr. Whitfield offered the following as a substitute for the amendment:

"It shall be the duty of the Legislature to ascertain, and make provision for the payment of all debts against the State, that accrued prior to the 1st day of February, A. D. 1861, and also for all debts contracted for the support of the Lunatic Asylum, the Deaf and Dumb Asylum, and the Blind Asylum, since the 1st day of February, A. D. 1861."

Mr. Young moved to lay both the amendment and the substitute on the table.

On motion, a division of the question was granted.

Mr. Young withdrew his motion to lay on the table.

On motion of Mr. Davis of Cherokee, Convention adjourned until 9½ o'clock to-morrow, pending the substitute of Mr. Whitfield.

WEDNESDAY, March 14th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Norton, chairman of committee on Condition of State, made following report:

COMMITTEE ROOM, March 14th, 1866.

To Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on the Condition of the State, to whom was referred the resolution introduced by Hon. D. C. Giddings, delegate from Washington, upon the subject of freedmen, have had the same under consideration, and have directed me to report the accompanying resolution, and recommend its adoption:

Resolved, That the President of the United States be requested to appoint a commission, of persons disconnected with the Freedman's Bureau, or the army, to visit Texas, for the purpose of ascertaining the real condition of the freedmen, and disposition of the people towards them, with a view of gaining such reliable information as will enable the government to determine the necessity of a longer continuance of the Freedman's Bureau in this State.

Read first time, and passed to the orders of the day.

Mr. Jones of Bastrop, chairman of committee on Privileges and Elections, made following report:

COMMITTEE ROOM, March 13th, 1866.

Hon. D. C. Dickson, President pro tem. of Convention:

The committee on Privileges and Elections, to whom was referred a paper purporting to be a certificate of election for B. W. Gillock as a delegate to this Convention, unanimously instruct me to report that they have had the same under consideration, and that they are *unanimously* of opinion that on the facts recited in said certificate, herewith submitted, the said Gillock is not entitled to a seat in this body.

Received, to come up in order.

Mr. Johnson, chairman of the committee on Public Lands, made following report:

To Hon. D. C. Dickson, President pro tem. of Convention:

The committee on Public Lands have had under consideration the report of the Commissioner of the General Land Office, in relation to the amount of land patented and certificates issued by him since the 1st day of February, A. D. 1861, a majority of whom recommend the adoption of the accompanying ordinance, in relation thereto:

AN ORDINANCE,

Validating and confirming certain acts of the Commissioner of the General Land Office, and Commissioner of the Court of Claims.

Be it ordained by the people of Texas in Convention assembled, That all of the certificates issued for land, either by the Commissioner of the Court of Claims or by the Commissioner of the General Land Office, and all patents issued by virtue of such certificates since the 1st day of February, A. D. 1861, in compliance with laws passed by the Legislature of this State since that time, and not in conflict with the Constitution of the United States, be and the same are hereby validated and confirmed.

Be it further ordained, That all payments made by parties indebted for University lands, with State Treasury Warrants and Confederate Notes, since the 1st day of February, A. D. 1861, shall be credited to the account of the parties making such payments, at the fair market value of such warrants or notes at the time such payments were made, to be determined by the Comptroller of the State; *provided,* that no interest shall ever accrue upon any part of said payments, and that the parties shall be allowed the same time and terms, for completing said payments, that were allowed at the original sale of said University lands.

Read first time, and passed to the orders of the day.

Mr. Smith of Colorado introduced following ordinance:

Resolved, That the whole proceedings of this Convention, including all ordinances and amendments to the Constitution of this State, shall be submitted to the people of this State for their acceptance or rejection, by vote of the qualified electors of the State, on the 1st Monday in June next, and that no ordinance, change or amendment made or proposed by this Convention to the Constitution of this State as it existed on the 31st January, 1861, shall have any force or effect until accepted by the people as aforesaid.

And that an election for County and State officers be holden at the same time, in the several counties of this State.

Read first time, and passed to the orders of the day.

ORDERS OF THE DAY.

The question pending at the hour of the last adjournment, viz: the substitute offered by Mr. Whitfield for the amendment proposed by Mr. Roberts to the 3d section of the ordinance reported by the Finance Committee, touching the public debt, again taken up.

On motion of Mr. Davis of Webb, Convention adjourned until 3 o'clock this evening, pending the substitute of Mr. Whitfield.

3 O'CLOCK, P. M.

Convention met; roll called; quorum present.

Mr. Parker moved to adjourn till to-night at 7½ o'clock.

Lost.

Mr. Ireland moved to adjourn till 7 o'clock to-night.

Lost.

The question pending at the hour of the last adjournment, viz: the substitute of Mr. Whitfield for Mr. Roberts' amendment to the ordinance reported by the committee on Finance, touching the public debt, again taken up.

Mr. Degener moved the previous question.

Seconded.

The question being shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Middleton, Murchison, Nelson, Parker, Perry, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Whitfield—30.

Nays—Messrs. Ball, Beall, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Dickson, Gentry, Giddings, Gurley, Halbert, Hancock, Hunt, Ireland, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Norris, Parsons, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Wilson and Woods—40.

So the House refused to order the main question.

The question recurring on the adoption of the substitute offered by Mr. Whitfield, and the Yeas and Nays being called for stood thus:

Yeas—Messrs. Bacon, Camp of Goliad, Davis of Webb, Gentry, Hancock, Henderson, Hill, Jones of Bexar, Latimer, Ledbetter, McCormack, Norton, Ranck, Reeves, Saunders, Shields, Slaughter, Taylor of Fannin, Thomas of Cameron, Varnell, Waul, Whitfield and Woods.

Nays—Messrs. Allen, Anderson, Ball, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Dickson, Flanagan, Giddings, Gurley, Hart, Hunt, Ireland, Johnson of Titus, Jones of Bastrop, Lane, Lindsey, Mabry, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Randolph, Richardson, Roberts, Runnels, Saufley, Shepard, Shaw, Smith of Lamar, Spaight, Taylor of Houston, Thompson, Tyus, Walker and Wilson.

Mr. Davis of Cherokee offered following amendment:

Proviso, to come in at the end of the amendment: *Provided*, said claims shall not exceed one hundred thousand dollars, which sum shall be distributed by the Legislature, *pro rata*, among the claimants.

On motion of Mr. Degener, the amendment laid on the table.

Mr. Gentry offered the following amendment:

Amend section 3d by striking out all after the word *State* in the 1st line, and insert "shall provide for the payment of all debts created by the State prior to the 1st day of February, 1861, and for all obligations or evidences of indebtedness issued since that time, for the support of the public charitable institutions, or for benevolent purposes, also for frontier defence; and the Legislature shall provide for an equitable adjustment of all obligations created by the State exclusively for the support of the civil government, prior to the 1st day of June, 1865.

On motion of Mr. Flanagan, the amendment of Mr. Gentry laid on the table.

Mr. Giddings offered the following as a substitute for the 3d section of the ordinance, and the amendment proposed by Mr. Roberts:

Be it ordained by the people of the State of Texas, in Con-

vention assembled, That the Legislature, at its first session, shall provide for the appointment of an Auditorial Board, for the purpose of adjusting the debts and liabilities of the State, upon the principles of justice and equity; *provided*, that no person other than the original holder shall receive more than the market value, in specie, of such liabilities, at the time they were issued or contracted, and the Legislature shall make provision for the payment of the amount so found to be due, and no more: and, *provided, further*, that warrants heretofore paid into the Treasury of the State on account of principal and interest due the State, the market value of such warrants, at the time they may have been so paid, shall be allowed, and no more.

On motion of Mr. Flanagan, the substitute of Mr. Giddings laid on the table, by the following vote:

Yeas—Messrs. Allen, Anderson, Bacon, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Middleton, Murchison, Nelson, Norton, Parker, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Waul, Whitfield and Woods—38.

Nays—Messrs. Ball, Benge, Bradshaw, Burke, Dickson, Gentry, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Ireland, Mabry, McCormack, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker and Wilson—34.

Mr. Wilson offered the following as a substitute for the 3d section:

SEC. 3. *Be it further ordained*, That the Legislature shall, at its first session hereafter, determine and designate that portion of the public debt of the State included within the prohibitions of the two preceding sections.

SEC. 4. That the Legislature shall have power, at its first session hereafter, to declare null and void, or to ratify, audit, and provide for the payment of, such other portions of the debt of the State not included within the first two sections of this ordinance, contracted or incurred between the 28th day of January, 1861, and the 5th day of August, 1865, as by law they may prescribe.

Mr. Whitfield moved to adjourn till 7½ o'clock to-night, and the Years and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Benge, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Flanagan, Henderson, Ireland, Johnson of Titus, Lane, Mabry, Middleton, Nelson, Norris, Parker, Perry, Ranck, Reeves, Runnels, Shepard, Spaight, Taylor of Fannin, Taylor of Houston, Whitfield and Wilson—29.

Nays—Messrs. Allen, Bumpass, Burke, Camp of Goliad, Degener, Dickson, Gentry, Giddings, Gurley, Halbert, Hancock, Hart, Hill, Hunt, Jones of Bastrop, Jones of Bexar, Latimer, Lindsey, McCormack, Murchision, Norton, Parsons, Phillips, Porter, Randolph, Richardson, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Thompson, Tyus, Varnell, Walker, Waul and Woods—41.

So the House refused to adjourn.

Mr. Saufley moved to adjourn till 10 o'clock to-morrow, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Bacon, Benge, Burke, Davis of Cherokee, Degener, Dickson, Gurley, Hancock, Hart, Hill, Hunt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, McCormack, Nelson, Norton, Phillips, Porter, Randolph, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Tyus, Varnell, Walker, Waul, Wilson and Woods—37.

Nays—Messrs. Allen, Anderson, Ball, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Flanagan, Gentry, Giddings, Henderson, Ireland, Lindsey, Mabry, Middleton, Murchison, Norris, Parker, Parsons, Perry, Ranck, Reeves, Richardson, Runnels, Shepard, Spaight, Taylor of Houston, Thomas of Cameron, Thompson and Whitfield—32.

So the Convention adjourned until 10 o'clock to-morrow.

THURSDAY, March 15th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Lindsey, one of the committee on Public Lands, made the following minority report:

Hon. D. C. Dickson, President pro tem. of the Convention:

A minority of the committee on Public Lands dissenting from the majority report of the committee in relation to University lands, recommend the adoption of the accompanying ordinance, in lieu of the second Section of the ordinance reported by the majority of said committee. It will be borne in mind that these payments were made in liquidation of a tax due from the citizens of the State, and in strict compliance with rules prescribed for its payments by the party to which the debt was due, both as respects the character of funds with which it was paid, and the time of payment. It will be further borne in mind, that these parties were required to pay this indebtedness by annual installments, on the express condition that a failure to make the payment at the time, and in the manner prescribed, would work an immediate forfeiture, not only of the land purchased, but also of all prior payments that may have been made by the party making such failure. With such laws enacted by the party to whom these debts were due, under a government in existence—whether rightfully or wrongfully is immaterial to the issue—with ample powers to enforce forfeiture in case payments were not made as prescribed, those who were indebted for those lands had but the one alternative, and that was to pay according to the law in force, and in the only currency that was accessible, or forfeit their homes, and leave their families without shelter or means of support. For these reasons, we believe great injustice will be done those who have purchased and paid for their lands in good faith by the majority report, nor do we believe that a refusal to acknowledge these payments can now be justified, either in a legal or moral point of view; we hope, therefore, that the following ordinance will be adopted, in the place of the 2d Section of the majority report:

Be it further ordained, That all parties who have paid for University lands since the 1st day of February, A. D. 1861, with Confederate Notes, or State Warrants, shall be entitled to credits for the face value of the Notes or Warrants so paid, and that all patents issued for said land during that time be and the same are hereby validated and confirmed.

J. M. LINDSEY,
M. W. ALLEN,
J. M. HUNT,
Minority of the Committee.

Mr. Randolph made the following report from the committee on Engrossed and Enrolled Ordinances:

COMMITTEE ROOM, March 15th, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 8th Article of the Constitution, and find it correctly enrolled, and properly signed.

Report accepted.

Mr. Degener offered the following resolution:

Resolved, That the committee on Finance be, and the same is hereby instructed to inquire into the expediency of requesting the Government of the United States to cancel all of the United States 5 per cent. Texas Indemnity Stock, which has been paid out of the Treasury of Texas since the retirement of Governor Houston from office, leaving all claims of the State of Texas against the Government of the United States to future equitable adjustment between the State and the United States; and that said committee of Finance report by ordinance or otherwise.

Adopted.

Mr. Spaight offered the following resolution:

RESOLUTION

Concerning the Freedman's Bureau.

Whereas the people of Texas repose full faith in the word of the President of the United States, when he says to the South, "It depends on yourselves to say whether the Freedman's Bureau shall be discontinued at an early day; for I will put an end to it just so soon as you, by giving protection to the Freedmen, make it unnecessary." Therefore,

Resolved, That the President of the Convention be, and he is hereby instructed to send by telegraph, to His Excellency, President Andrew Johnson, the amendment to the Constitution adopted by the Convention, guaranteeing their civil rights to the freedmen, and to express to him the earnest desire of the people of Texas to have the Freedman's Bureau discontinued in this State, the same being not only unnecessary to the protection, but absolutely prejudicial to the real interests of the black race.

Lost.

The Convention proceeded to the consideration of the orders of the day, namely: the substitute of Mr. Wilson for the 3d Section, and the amendment of Mr. Roberts thereto, of the ordinance reported by the Finance committee touching the public debt.

Mr. Whitfield moved to lay the pending amendments on the table.

Carried.

Mr. Hunt moved to strike out the 3d Section.

Mr. Bumpass moved to lay the amendment on the table.

The Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bexar, Lane, Latimer, Mabry, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Waul, Whitfield, Woods, and Young—40.

Nays—Messrs. Beall, Bradshaw, Bryan, Dickson, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lindsey, McCormack, Norris, Parsons, Porter, Ranck, Randolph, Record, Reeves, Richardson, Selman, Saufley, Shepard, Spaight, Taylor of Houston, Thompson, and Tyus—29.

So the pending amendments were laid on the table.

Mr. Slaughter offered the following proviso:

Provided, That warrants issued for just claims, which accrued prior to the 1st day of February, 1861, be recognized as subsisting debts against the State, and the same shall be paid according to their face value, if it is ascertained by a tribunal, established for that prupose, that they were issued to liquidate such claims.

On motion, laid on the table.

Mr. Hancock offered the following amendment for the 3d Section:

Provided, That all debts due before the 1st day of February, 1861, upon which warrants have been issued since that time, and all expenditures incurred in keeping up and carrying on the Lunatic Asylum, Blind Asylum, and the Deaf and Dumb Asylum, shall be and remain subsisting demands against the State of Texas, and their payment provided for as the Legislature may deem proper.

The President declared the amendment out of order.

Mr. Flanagan moved the previous question. Seconded.

The question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Benge, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Middleton, Murchison, Parker, Perry, Phillips, Reeves, Richardson, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Thomas of Cameron, Varnell, Waul, Whitfield, and Young—35.

Nays—Messrs. Armstrong, Ball, Bradshaw, Camp of Upshur, Dickson, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lindsey, McCormack, Nelson, Norton, Norris, Parsons, Porter, Ranck, Randolph, Record, Roberts, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, Tyus, Walker, and Woods—35.

So the motion was lost.

The question recurring on the adoption of the amendment offered by Mr. Slaughter, Mr. Jones of Bexar offered the following as a substitute for Mr. Slaughter's amendment:

"Except warrants issued in payment of services rendered or liabilities incurred before the said 28th day of January, 1861; and except, also, such other claims as may be authorized to be paid by ordinances of this Convention."

Adopted.

The question recurring on the adoption of the amendment of Mr. Jones of Bexar, as part of the 3d Section, Mr. Mabry moved to amend as follows:

"Strike out the words "or warrants issued," in the third line of Sec. 3.

On motion of Mr. Flanagan, the amendment of Mr. Mabry was laid on the table.

The question recurring on the adoption of the amendment of Mr. Jones of Bexar, Mr. Bradshaw offered the following as a substitute for the 3d Section and the amendment of Mr. Jones of Bexar:

Sec. 3. The Legislature shall provide, by law, for a Board of Commissioners, whose duty it shall be to inquire into the amount of indebtedness incurred by the State for civil purposes, and warrants issued since the 28th day of January, 1861, until the 5th day of August, 1865.

Sec. 4. After having ascertained the amount of indebtedness, said Board shall then ascertain the amount of warrants issued, and their cash value at the time; it shall then be the duty of the State to issue new warrants for the amount so ascertained, and take up the old warrants.

Sec. 5. One-fourth of the State and county tax may be paid in those State warrants; also one-fourth of all fines and forfeitures incurred under the penal law may be paid in said warrants, and the Legislature shall make no provision for their payment in any other way.

Mr. Whitfield moved to lay the substitute of Mr. Bradshaw on the table.

Carried.

The question recurring on the amendment of Mr. Jones of Bexar, Mr. Davis of Webb offered the following amendment, viz:

Strike out all after the words "sixty-one."

Adopted.

The question recurring on the adoption of the amendment as amended, was put, and the amendment adopted.

Mr. Shepard offered the following amendment:

Strike out after the word ratify, in third line, the words "the same or to."

On motion of Mr. Jones of Bastrop, the amendment of Mr. Shepard was laid on the table.

Mr. Ireland offered the following as an additional Section to the ordinance:

Be it further ordained, That it shall be the duty of the Attorney General of the State to bring suits at the city of Austin against all persons who may have received the United States Bonds belonging to the State of Texas, as also for any other character of liability or property belonging to the State, under contracts, or pretended contracts, with the military board, or other authority of the State, when any damage has resulted, or cause of action accrued to the State by reason of a failure of such person or persons to comply with such contracts, for the recovery of any and all sums as under the rules of law or equity may be due and recoverable; and a lien is hereby created on the property, money, and effects of all persons who may be found legally liable on such contracts, to secure the payment of all such sums of money.

On motion of Mr. Waul, laid on the table.

Mr. Flanagan moved the previous question. Seconded.

The question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Ranck, Richardson, Roberts, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Waul, Whitfield, Wilson, Woods, and Young—47.

Nays—Messrs. Ball, Bradshaw, Dickson, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lindsey, Mabry, McCormack, Norris, Parsons, Porter, Randolph, Record, Reeves, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, and Tyus—29.

So the Convention ordered the main question.

The main question being the engrossment of the ordinance, and being put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hurt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Ranck, Richardson, Roberts, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Waul, Whitfield, Wilson, Woods, and Young—49.

Nays—Messrs. Ball, Beall, Bradshaw, Dickson, Gentry, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Ireland, Johnson of Tarrant, Lindsey, Norris, Parsons, Porter, Randolph, Record, Reeves, Runnels, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thompson, and Tyus—26.

So the House ordered the engrossment of the ordinance.

Mr. Taylor of Fannin moved to suspend the rule, and put the ordinance on its third and final reading.

Motion prevailed.

Ordinance taken up, read a third time, and passed.

On motion of Mr. Saunders, the reports of the committee on Finance, touching the direct tax apportioned by Congress of the United States upon the State of Texas, taken up.

Mr. Bumpass moved to substitute the minority report for that of the majority.

Motion prevailed.

Mr. Wilson offered the following as a substitute for the ordinance accompanying the minority report:

Be it ordained by the people of Texas, in Convention assembled, That the State of Texas hereby assumes the payment of the direct tax apportioned to this State under the act of Congress approved August 5th, 1861; and the Legislature shall, at its first session hereafter, provide for the payment of said tax.

Lost.

Mr. Davis of Webb offered the following amendment:

Strike out the preamble, and the words "now, therefore," and strike out first line, from the word "the" down to "under" in second line, and insert "sum of money levied as a direct tax, under the act of Congress of Aug. 6th, 1861."

That part of the amendment striking out the amount, in first and second lines, and inserting "sum of money," &c., was adopted, and the question being on striking out the preamble and the words "now, therefore," the Yeas and Nays being called for stood thus:

Ayes—Messrs. Allen, Anderson, Armstrong, Bacon, Benge, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Dickson, Flanagan, Hart, Hurt, Latimer, Middleton, Murchison, Parsons, Reeves, Saunders, Shaw, Slaughter, Taylor of Houston, Varnell, Waul, Wilson, Woods and Young—28.

Nays—Messrs. Ball, Beall, Bradshaw, Bumpass, Giddings, Gurley, Halbert, Hancock, Henderson, Hunt, Ireland, Johnson of Tarrant, Lindsay, Mabry, McCormack, Norton, Norris, Perry, Phillips, Porter, Ranck, Randolph, Record, Richardson, Roberts, Runnels, Saufley, Shepards, Shields, Smith of Lamar, Spaight, Taylor of Fannin, Thompson and Tyus—34.

So the Convention refused to strike out the preamble and the words "now, therefore."

Mr. Waul offered the following amendment: Strike out Sections 2, 3, 4, 5, of the ordinance.

Mr. Runnels moved to lay the amendment of Mr. Waul on the table; and the Yeas and Nays being called for stood thus:

Yeas—Messrs. Allen, Armstrong, Bacon, Ball, Beall, Bradshaw, Bumpass, Davis of Webb, Degener, Dickson, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar Lindsey, Mabry, McCormack, Middleton, Murchison, Norris, Parker, Perry, Porter, Ranck, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Woods and Young—42.

Nays—Messrs. Anderson, Benge, Camp of Goliad, Camp of Upshur, Dalrymple, Flanagan, Giddings, Halbert, Henderson, Ireland, Phillips, Roberts, Saunders, Shepards, Spaight, Varnell, Walker, Waul and Wilson—19.

So the motion prevailed.

Mr. Roberts offered the following amendment: Strike out all after the word "of," in the first line, to the word "under," in the second line, and insert "such sum as may be necessary to discharge said tax levied upon the State of Texas."

Adopted.

Mr. Thompson offered the following amendment:

Be it ordained by the people of Texas, in Convention assembled, That the State of Texas hereby assumes all of the direct tax levied by an act of Congress dated August 6, 1861, upon the citizens of the State of Texas.

Laid on the table, on motion of Mr. Bradshaw.

Mr. Saunders offered the following amendment:

Amend the preamble by striking out the words "three hundred and fifty:five thousand one hundred and six and two-third dollars."

Mr. Wilson moved the previous question, which was seconded. The main question being put was ordered.

The main question being the engrossment of the ordinance, its engrossment was ordered.

Mr. Mabry moved to suspend the rules, so as to take up the ordinance, and put it on its third and final passage.

Motion prevailed.

The ordinance was taken up, read third time, and passed.

On motion of Mr. Norton, Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

On motion of Mr. Norris, Mr. Halbert was excused indefinitely, after to-night.

The resolution of Mr. Beall, fixing a day for the adjournment sine die, taken up.

On motion of Mr. Henderson, postponed till Monday next, at 11 o'clock A. M.

The engrossed ordinance annulling the ordinance of secession, taken up.

Mr. Norton offered the following as a substitute:

AN ORDINANCE,

Declaring the Ordinance of Secession null and void.

We, the people of the State of Texas, in Convention assembled, acknowledging the supremacy of the Constitution of the United States, and the laws passed in pursuance thereof, do ordain, that an ordinance adopted by a former Convention of the people of Texas, on the 1st day of February, A. D. 1861, entitled "an ordinance to dissolve the union between the State of Texas and the other States, united under the compact styled the Constitution of the United States of America," be and the same is hereby declared null and void; and that the right heretofore claimed by the State of Texas to secede from the Union, does not exist.

Mr. Henderson moved to lay said amendment on the table.

Mr. Norton moved a call of the House.

House refused to sustain the call.

The question recurring on the motion of Mr. Henderson to lay on the table, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hill, Ireland, Lindsey, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—43.

Nays—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Flanagan, Hancock, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Mabry, McCormack, Murchison, Norton, Parker, Ranck, Saunders, Shields, Smith of Colorado, Taylor of Fannin, and Varnell—20.

So the substitute was laid on the table.

Mr. Hancock proposed to amend by striking out the word "renounced" and inserting "disclaim."

Mr. Henderson moved to lay the amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hill, Ireland, Lindsey, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shaw, Slaughter, Spaight, Taylor of Houston, Thompson, Tyus, Waul, Whitfield, and Wilson—41.

Nays—Messrs. Armstrong, Camp of Goliad, Davis of Webb, Davis of Cherokee, Flanagan, Hancock, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Mabry, McCormack, Murchison, Norton, Parker, Ranck, Saunders, Shields, Smith of Colorado, Taylor of Fannin, Varnell, Walker, and Woods—24.

So Mr. Hancock's amendment was laid on the table.

The question recurring on the final passage of the ordinance, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bryan, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Dickson, Gentry, Giddings, Gurley, Halbert, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Middleton, Mabry, Nelson, Norton, Norris, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Wilson, and Woods—55.

Nays—Messrs. Davis of Webb, Davis of Cherokee, Flanagan, Hancock, Hurt, Jones of Bastrop, Lane, Latimer, McCormack, Murchison, Parker, Parsons, Ranck, Saunders, Shuford, Taylor of Fannin, Thomas of Cameron, Varnell, and Young—21.

By leave, Mr. Hancock introduced the following ordinance:

AN ORDINANCE,

To authorize the payment of debts contracted for the support of the Asylums of the State, and for other purposes.

Be it ordained by the people of the State of Texas, in Convention assembled, That it shall be the duty of the Legislature of the State, at its first session, to ascertain the amount of indebtedness of the State, contracted for the support of the Lunatic Asylum, the Blind Asylum, and the Deaf and Dumb Asylum, and all pensions due by the State, and provide for the payment of the same as soon as practicable.

Read first time.

Mr. Hancock moved to suspend the rule, and take up said ordinance.

Lost.

On motion of Mr. Waul, ordinance postponed till Saturday, the 17th instant, at 11 o'clock, for which hour it was made the special order.

Mr. Smith of Colorado moved to suspend the rule, and take up "an ordinance to prevent the bringing of certain civil actions and criminal prosecutions."

Lost.

On motion of Mr. Henderson, "An Ordinance, Article III, Legislative Department," taken up, and placed on its third and final reading.

Mr. Waul offered the following amendment:

Strike out in Sec. 32, second line, "the seat of Government."

Adopted.

Mr. Hancock offered the following amendment to the 32d Section:

And the title to the tract of land, surveyed by virtue of the headright of Samuel Goucher, for ⅓ of a league, which was selected and condemned to the use of the Republic of Texas, under an act of the Republic of Texas, entitled an act for the permanent location of the seat of Government, approved the 14th day of January, A. D. 1839, be and the same is hereby confirmed, any irregularity, or failure to make proper parties, or other defects in the proceedings had under said act to the contrary notwithstanding: *Provided*, nevertheless, that the lawful owner of said land, his heirs, assigns, or legal representatives, may, at any time within one year from the adoption of this Constitution, institute proceedings, and have compensation as provided by act of the Legislature of the State of Texas, entitled an act for quieting the title to real estate in the city of Austin, approved the 18th December, 1857.

The question being on the adoption of the amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Bradshaw, Bumpass, Camp of Upshur, Dickson, Flanagan, Gentry, Giddings, Halbert, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Lane, Lindsey, Mabry, Murchison, Norton, Norris, Parker, Porter, Ranck, Randolph, Record, Reeves, Runnels, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Houston, Tyus, Whitfield, and Woods—41.

Nays—Messrs. Allen, Anderson, Benge, Burke, Camp of Goliad, Davis of Cherokee, Hunt, McCormack, Parsons, Perry, Phillips, Roberts, Saunders, Saufley, Selman, Taylor of Fannin, Varnell, Walker, and Waul—19.

So the amendment was adopted.

Mr. Jones of Bastrop moved to amend the 5th Section, second line, by striking out the word five, and insert in lieu thereof the word two.

Mr. Henderson moved to lay the amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Burke, Camp of Upshur, Dickson, Gentry, Giddings, Henderson, Hill, Hurt, Ireland, Mabry, Norris, Parker, Parsons, Phillips, Porter, Record, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Spaight, Taylor of Houston, Tyus, Whitfield, Wilson and Woods—33.

Nays—Messrs. Bacon, Benge, Bradshaw, Camp of Goliad, Degener, Flanagan, Halbert, Hancock, Johnson of Tarrant, Jones of Bastrop, Lane, Lindsey, McCormack, Murchison, Norton, Perry, Ranck, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Thompson, Varnell, Walker, and Waul—27.

So the motion prevailed.

Mr. Allen moved to amend the 28th Section, 3d line, as follows: "and their age," after the word elector.

Lost.

Mr. Spaight moved to amend as follows:

Strike out the word or, and insert "and," fifth line, Sec. 24.

Adopted.

Mr. Giddings offered the following substitute:

SUBSTITUTE

For 1st Section, to the word "shall," in 5th line.

All the inhabitants of this State, who are qualified electors under the laws in force on the 2d of March, 1861, shall continue to exercise the rights of electors; and every other male person, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided within this State for one year next preceding an election, and for the last six months in the district, county, city or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) and who shall be able to read and write understandingly the English or his own language, shall have paid his State and county taxes due.

Mr. Benge moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Degener, Flanagan, Henderson, Hill, Jones of Bastrop, Lane, Lindsey, Mabry, Murchison, Norton, Parsons, Perry, Porter, Ranck, Record, Reeves, Roberts, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Woods—47.

Nays—Messrs. Bacon, Dickson, Gentry, Giddings, Hancock, Hunt, Hurt, Johnson of Tarrant, McCormack, Norris, Parker, Phillips, Runnels, Shepard, Spaight—15.

So the motion prevailed.

Mr. Thompson offered the following amendment:

Amend by inserting the words, "And shall have paid his State and county taxes," after the word vote, in 3d line, Sec. 1.

Mr. Henderson moved the previous question. Seconded.

The question being, shall the main question be now put, the vote was taken, and the same was ordered.

The main question, which was the final passage of the ordinance, was then put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Gentry, Giddings, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Mabry, Norris, Parker, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shaw, Slaughter, Spaight, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Wilson and Woods—43.

Nays—Messrs. Bacon, Davis of Cherokee, Degener, Dickson, Flanagan, Jones of Bastrop, Lane, McCormack, Murchison, Norton, Ranck, Saunders, Shields, Smith of Colorado, Taylor of Fannin, Thompson, and Varnell—17.

So the ordinance passed.

On motion of Mr. Davis of Cherokee, the Convention adjourned until to-morrow, at 10 o'clock.

FRIDAY, March 16th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Norton, chairman of committee on Condition of the State, made following report:

COMMITTEE ROOM, March 16th, 1866.

To Hon. D. C. Dickson, President pro tem. of Convention;

The committee on the Condition of the State have had under consideration the resolution introduced by Mr. Flanagan, in regard to a division of the State, which was referred to them, and have instructed me to report the accompanying ordinance, and recommend its adoption:

AN ORDINANCE,

Preparatory to the establishment of a new State within the present territorial limits of Texas.

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That it shall be and may be lawful for a new State to be organized within the present territorial limits of the State of Texas, which State shall include the following named counties, to-wit:

Jefferson, Orange, Chambers, Liberty, Hardin, Jasper, Newton, Tyler, Polk, Trinity, Angelina, Nacogdoches, San Augustine, Sabine, Shelby, Panola, Rusk, Cherokee, Houston, Anderson, Henderson, Smith, Van Zandt, Kaufman, Wood, Upshur, Harrison, Marion, Davis, Bowie, Titus, Hopkins, Red River, Lamar, Fannin, Hunt, Collin and Grayson, and which shall be called East Texas.

SEC. 2. Before such State shall be organized, and in order to ascertain the sentiments of the people in the counties above named, in reference to such organization, it shall be the duty of the Governor to issue his proclamation, calling upon all the qualified electors, at the time of voting, residing within the limits of the counties aforesaid, at the first general election for the State and County officers after the present State has been restored to its former relations in the Federal Union, to indicate by their vote whether such organization is desired. Those in favor of the organization shall write or print on their tickets, "Division." Those opposed, "No Division."

SEC. 3. The returns of the votes thus cast shall be made in the usual due and legal manner that election returns for the State and County officers are made to the Secretary of State, and shall be counted as other elections.

SEC. 4. Should a majority cast on that subject be in favor of the organization aforesaid, it shall be the duty of the Governor to order an election to be held in those counties for delegates to attend a Convention at the town of ———, for the purpose of framing a Constitution, and doing such acts as may be necessary to put such new State Government into operation.

SEC. 5. Until such organization is completed, the counties aforesaid shall remain a part and parcel of the State as it now exists, and under any and all circumstances, should said State be organized, all the rights and obligations, in respect to indebtedness, public lands, school funds, and internal improvements, shall remain unimpaired, and shall be fairly and equitably adopted.

Ordinance read a first time, and passed to the orders of the day.

Mr. Roberts, chairman of committee on the Judiciary, made following report:

COMMITTEE ROOM, March 15th, 1866.

Hon. D. C. Dickson, President, pro tem., Convention:

The committee on the Judiciary, to whom was referred the ordinance of the delegate from Rusk county (Mr. Flanagan) in relation to a homestead, have had the same under consideration, and have instructed me to report the same back, and recommend that it be not passed.

This is done under the impression that the Legislature is invested with ample power to exempt other property from forced sale, to any extent that the interests of the country may require, and that the homestead as defined in the Constitution has had judicial and legislative construction, by which it has been rendered certain, and that any alteration therein would tend to unsettle the same. Which is respectfully submitted.

Read, and passed to orders of the day.

Mr. Reeves, one of the committee on General Provisions of the Constitution, made following report:

COMMITTEE ROOM, March 16th, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on General Provisions, to whom was referred "an ordinance prohibiting special legislation," have had the same under consideration, and instruct me to report that they deem it inexpedient to take any action thereon.

Received, to come up in order.

Mr. Randolph, chairman of the committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 16th, 1866.

Hon. D. C. Dickson, President, pro tem., of Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined an ordinance relative to the direct tax levied upon the State of Texas by the United States, and an ordinance declaring the war debt void, and for other purposes, and also an ordinance declaring the ordinance of secession null and void, and find them correctly enrolled, and properly signed.

Received, to come up in order.

On motion, Mr. Dickson was excused from further attendance on the Convention.

Mr. Henderson offered the following ordinance:

AN ORDINANCE,

To amend the 4th Article of the Constitution, by adding thereto the following Section.

Be it ordained by the people of Texas, in Convention assembled,

SECTION 1. That there shall be, and hereby is created, a Criminal Court, embracing the counties of Galveston and Harris, which shall have the same original and appellate jurisdiction that is now, or hereafter may be given, to the District Court, against all crimes and offences, to be exercised and carried out in like manner, and under the same laws, rules and regulations, applicable to the same jurisdiction exercised by said District Court.

SEC. 2. That said court shall consist of one Judge, who shall be elected by the qualified voters of said counties, and said Judge shall hold his office for and during the term of ten years, and shall receive the same pay and compensation now allowed, or that hereafter may be allowed, to Judges of the District Court, and shall in all respects hold said office under the same regulations and liabilities of Judges of the District Courts; and said Judge shall appoint a Clerk for each of said Courts; and the sheriff of each of said counties of Galveston and Harris shall attend on said Courts, perform all the duties imposed on him now by law.

Ordinance read a first time.

Mr. Henderson moved to suspend the rule, and take up the ordinance, and place it on its second reading.

Carried.

Ordinance taken up, read a second time, and the question being the engrossment of the ordinance,

Mr. Whitfield offered the following amendment:

"And the Clerk of said Court shall be elected by the qualified electors of said counties."

Mr. Phillips moved to refer the ordinance and proposed amendment to the Judiciary Committee.

Mr. Ireland moved to postpone the further consideration of the ordinance till the Convention has acted on the general report of the Judiciary Committee.

Mr. Beall moved to lay the subject matter under consideration on the table.

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Bradshaw, Davis of Webb, Hunt, Ireland, Johnson of Titus, Perry, Phillips, Record, Richardson, and Wilson—13.

Nays—Messrs. Armstrong, Ball, Benge, Bryan, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Middleton, Nelson, Norris, Parker, Parsons, Porter, Ranck, Randolph, Reeves, Roberts, Saunders, Saufley, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Spaight, Thomas of Cameron, Thompson, Waul, Whitfield, Woods and Young—48.

So the motion to lay on the table was lost.

The question recurring on the motion of Mr. Ireland to postpone, the same was put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Giddings, Hunt, Ireland, Lindsey, Nelson, Norton, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Shields, Smith of Colorado, Thomas of Cameron, Wilson and Woods—26.

Nays—Messrs. Armstrong, Ball, Bryan, Dalrymple, Davis of Cherokee, Degener, Dickson, Flanagan, Gentry, Hancock, Henderson, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, McCormack, Middleton, Norris, Parker, Parsons, Randolph, Runnels, Saunders, Saufley, Shepard, Shaw, Slaughter, Smith of Lamar, Spaight, Taylor of Houston, Thompson, Varnell, Walker, Waul, Whitfield and Young—39.

So the House refused to postpone.

The question recurring on the motion of Mr. Phillips to commit the ordinance to the Judiciary Committee, and the same being put, was lost.

The question recurring on Mr. Whitfield's proposed amendment, Mr. Johnson of Tarrant offered following amendment:

Provided, That the Legislature may establish similar courts in any county of this State, at such times as may be deemed proper to do so.

Amendment accepted.

Mr. Walker offered the following as a substitute for the ordinance and the amendment of Mr. Whitfield:

"The Legislature may establish Criminal Courts in cities, with such jurisdiction, and under such regulations as may be provided by law."

Substitute withdrawn.

The question recurring on the amendment of Mr. Whitfield, the same was put, and the amendment was adopted.

The question on the engrossment of the ordinance being put, the ordinance was ordered to be engrossed.

Mr. Dalrymple introduced the following

ORDINANCE,

To Provide for the Payment of State Troops, Mustered into Service Previous to March 2d, 1861.

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That all warrants issued for the payment of troops called into service of the State of Texas, by His Excellency Gov. Houston, previous to the 2d day of March, 1861, be and the same are hereby declared valid, under the regulations hereinafter prescribed.

SEC. 2. *Be it further ordained*, That the said warrants, before becoming chargeable upon the State, shall first be presented to the Comptroller thereof, and should they show upon their face that they were issued for the purposes above set forth, it shall become his duty, and he is hereby required, to approve and register the same; whereupon, after said approval and registry, noted upon said warrants, the Treasurer of this State is hereby required to pay the same to the holder or holders thereof, or to his or their legal representatives, together with the specified interest thereon, from the date of issue to the time of presentation for payment; *provided*, the same shall not exceed two months from the passage of this ordinance, and, *provided, further*, that no interest shall accumulate thereafter; such payment to be made out of any money in the treasury, not otherwise appropriated.

SEC. 3. This ordinance shall take effect from and after its passage. This —— day of ————, 1866.

Ordinance read a first time.

Mr. Dalrymple moved to suspend the rule, and place the ordinance on its second reading.

Lost.

Ordinance referred to the committee on Finance.

By leave, Mr. Johnson of Tarrant, chairman of the committee on Public Lands, made following report:

COMMITTEE ROOM, March 15th, 1866.

Hon. D. C. Dickson, President, pro tem., of Convention:

The committee on Public Lands, to whom was referred an ordinance relative to the sale of the public domain of the State, and the appropriation of the proceeds thereof for educational purposes, &c., have had the same under consideration, and instruct me to report the accompanying ordinance, and recommend its passage by the Convention.

Be it ordained by the people of the State of Texas in Convention assembled, The Legislature is hereby vested with power and authority to sell and convey to the Government of the United States all that portion of the unappropriated public domain of the State of Texas lying above and north and west of a line beginning at a point where the one hundred and first degree of longitude west of Greenwich strikes the Rio Grande; thence north on the line of said degree of longitude to where it strikes Red river; thence down said river to the one hundredth degree of longitude; thence north along the line of said degree of longitude to the north-east corner of that portion of the State lying north of Red river; thence west to the north-west corner of the State of Texas; thence south to the thirty-second degree of north latitude; thence west to the Rio Grande; thence down said river to the place of beginning.

And the Legislature, if such sale is made, shall cede to said United States Government the right of jurisdiction and soil, reserving all private rights lawfully acquired up to the time of said sale.

Said sale shall be made upon such terms and for such amount as the Legislature may determine to be expedient.

The proceeds arising from such sale shall become a part of the common fund of the State.

Read, and carried to the orders of the day.

Mr. Waul offered the following resolution:

Resolved, A majority of this Convention shall constitute a quorum to do business, but a smallar number may adjourn from day to day, and may compel the attendance of absent members.

Mr. Waul moved to suspend the rule, and take up the resolution. Rule suspended, and resolution taken up.

Mr. Davis of Webb offered the following amendment:

Provided, This Convention adjourn, *sine die*, on the 28th instant, or sooner.

Accepted.

Mr. Gentry offered the following amendment:

"And all the amendments to the Constitution and ordinances passed by this Convention shall be submitted to the people for ratification or rejection.

On motion of Mr. Waul, laid on the table.

Mr. Runnels moved to strike out 28th, and insert 21st.

On motion, laid on the table.

The question recurring on the adoption of the resolution as amended, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Dickson, Gentry, Giddings, Gurley, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Ledbetter, Lindsey, McCormack, Middleton, Nelson, Norris, Phillips, Ranck, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Selman, Shepard, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Wilson and Woods—48.

Nays—Messrs. Bacon, Beall, Benge, Bryan, Flanagan, Hancock, Johnson of Titus, Latimer, Mabry, Norton, Parsons, Porter, Shields, Shuford, Smith of Colorado, Smith of Lamar, and Young—18.

So the resolution was adopted.

Mr. Whitfield offered the following resolution:

That hereafter no delegate speak longer than ten minutes, upon any question before the Convention, and only once, except by leave.

Mr. Whitfield moved to suspend the rule, and take up the resolution.

Lost.

Mr. Jones of Bastrop offered the following resolution:

Resolved, That the committee on Public Lands inquire into the propriety of adopting an ordinance to obviate difficulties arising from lost lines and corners of surveys, and report such an ordinance as they may deem proper.

Adopted.

Mr. Johnson of Tarrant offered following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of preparing an ordinance relative to payments made in Confederate money, to administrators and executors, during the war, under direction of the military authorities.

Adopted.

Mr. Bradshaw offered following

ORDINANCE,

Scaling the Amounts Paid into the State Treasury by Railroad Companies, under the following Acts, to-wit:

An Act authorizing the Comptroller to receive from Railroad Companies, in the State, the interest that may be now due, or hereafter become due, on their bonds. Approved December 16th, 1863.

An Act amending an act authorizing the Comptroller of the State to receive from Railroad Companies, in this State, the interest that may be now due, or hereafter become due, on their bonds. Approved May 24th, 1864.

An Act to authorize Railroad Companies to discharge their indebtedness to the special school fund, with the treasury warrants, bonds and coupons of the State. Approved November 15th, 1864.

Be it ordained by the people of the State of Texas, in Convention assembled, That all payments made by said companies, under said acts, or either of them, with State Treasury Warrants, issued since the 1st day of February, 1861, shall be credited to the account of said company or companies paying the same, at the fair market value of said warrants at the time the payments were made; to be determined by the Comptroller of the State, and subject to the ratification of the Legislature of the State.

Ordinance read first time, and referred to Finance Committee.

Mr. Shepard offered the following amendment to the Constitution:

The Governor may approve any appropriation, and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which it originated, and the same proceedings shall then be had as in the case of other bills disapproved by the Governor.

To come in at the end of Section 17, Article V, of the Constitution.

Amendment of Mr. Shepard laid over till the Article of the Constitution touching Executive Department taken up.

Mr. Allen offered following resolution:

Resolved, That the committee on Finance be instructed to ascertain the amount of indebtedness incurred on account of the Lunatic, the Blind, and the Deaf and Dumb Asylums, since the surrender of the Trans-Mississippi Department, and for what purpose said indebtedness was incurred. Should the committee be satisfied that any just and meritorious claims exist against the State, on account of necessaries furnished any, either or all of said institutions, to report an ordinance providing for the payment of the same.

Adopted.

Mr. Gentry moved to suspend the rule, to take up an ordinance introduced by Mr. Hancock, relative to the moneys expended for the support of the Asylums, and other purposes, for the purpose of referring it to a select committee.

Rule suspended, ordinance taken up.

Mr. Davis of Webb moved to refer it to Finance Committee.

Motion prevailed.

Mr. Henderson moved to take up an ordinance fixing the time for the election of State and County officers, and for the meeting of the Legislature.

Mr. Norton moved to adjourn till 7½ o'clock to-night.

Lost.

Mr. Saunders moved to adjourn till 10 o'clock to-morrow.

Lost.

On motion, the Convention refused to adjourn till 3 o'clock.

On motion of Mr. Gentry, Convention adjourned until 7½ o'clock, P. M.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

An ordinance providing for the election of State and County officers, and fixing a time for the meeting of the Legislature, taken up.

Mr. Roberts offered following amendment:

SEC. 5. *Be it further ordained*, That the Constitution of the State of Texas (except Article VIII) in force on the 28th day of January, A. D. 1861, together with an ordinance adopted as a substitute for Article VIII, entitled "Freedmen," and the ordinance declaring the ordinance of secession void, and the ordinance declaring the war debt void, and for other purposes, and all other separate ordinances adopted by this Convention, (not embraced in the Executive, Legislative and Judicial Departments, in the General Provisions and Bill of Rights,) shall be recognized as the Constitution in force in the State of Texas.

SEC. 6. *Be it further ordained*, That the several amendments that may be made by this Convention to the "Executive Department," the "Legislative Department," and the "Judicial Department," and the "General Provisions and Bill of Rights," of the Constitution, be submitted to the people of the State, for their acceptance or rejection, by a vote of the qualified electors of the State, on the 1st Monday of May, A. D. 1866.

SEC. 7. *Be it further ordained*, It shall be the duty of the several returning officers, at the said election, to open a poll for, and make a return to the Secretary of the State of, the votes polled for and against said amendments.

They shall be valid, as parts of the Constitution.

Mr. Saunders moved to lay the amendment of Mr. Roberts on the table, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Flanagan, Hart, Hill, Johnson of Tarrant, Lane, Latimer, McCormack, Murchison, Nelson, Norton, Saunders, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Varnell and Young—23.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Dickson, Gentry, Giddings, Gurley, Hunt, Ireland, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, Middleton, Norris, Parker, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Spaight, Taylor of Houston, Walker, Waul, Whitfield, Wilson and Woods—44.

Lost.

Mr. Bacon offered the following as a substitute for the ordinance, and the amendment proposed by Mr. Roberts:

Resolved, That the whole of the action of this Convention, including all ordinances, and amendments to the Constitution of this State, shall be submitted to the people of this State for their acceptance or rejection, by vote of the qualified electors of the State, on the 1st Monday in June next; and that no ordinance, change or amendment made or proposed by this Convention to the Constitution of this State, as it existed on the 31st January, 1861, shall have any force or effect until accepted by the people as aforesaid. And that an election for State and County officers be holden at the same time in the several counties of this State.

Mr. Davis of Cherokee moved that the subject matter be postponed till to-morrow at 11 o'clock, A. M.

Mr. Smith of Colorado offered the following amendment:

Immediately after the adjournment of this Convention, the Provisional Governor of this State will issue his proclamation, directing the chief justices of the several counties in this State, and they, or if the office in any county be vacant, or the chief justice be absent from the county, or otherwise unable or unwilling to act, any two commissioners, are hereby required to cause polls to be opened in their respective counties, at the established precincts, on the first Monday in next ——, for the purpose of taking the sense of the people of the State in regard to the adoption or rejection of the Constitution, and the votes of all persons entitled to vote under this Constitution shall be received. Each voter shall express his opinion by declaring, *viva voce*, for "the Constitution accepted," or "the Constitution rejected," or some words clearly expressing the intention of the voter. The election shall be conducted in conformity with the existing laws regulating elections; and the chief justices of the several counties, or two commissioners to act in cases as aforesaid, shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the Secretary of State, endorsed "election returns," and the other deposited in the clerk's office of the County Court.

On motion of Mr. Davis of Cherokee, the subject matter under consideration postponed till to-morrow at 11 o'clock, A. M.

ORDERS OF THE DAY.

Article X, Education, taken up.

Mr. McCormack offered the following amendment:

"Strike out the word 'white,' 6th line, 2d Section."

Mr. Beall offered the following as a substitute for the ordinance:

ARTICLE X—EDUCATION.

Resolved, That all the lands, funds, and other property, known as, or belonging to, the school fund, shall revert to the State, to be used as the Legislature may deem most conducive to the public benefit.

Mr. Whitfield moved to lay the amendment and substitute on the table.

On motion of Mr. Davis of Webb, a division of the question was granted.

The question recurring on laying Mr. Beall's substitute on the table, the same was put, and the substitute was laid on the table.

The question recurring on laying the amendment of Mr. McCormack on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Giddings, Hancock, Hart, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parker, Parsons, Perry, Porter, Randolph, Record, Reeves, Runnels, Saunders, Saufley, Selman, Shields, Shaw, Slaughter, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Waul, Walker, Whitfield, Wilson, Woods and Young—60.

Nays—Messrs. Davis of Webb, Degener, McCormack, Murchison, Shepard and Varnell—6.

So the amendment was laid on the table.

The question recurring on the engrossment of the Article,

Mr. Degener offered the following amendment;

"Strike out the words "one-half of," 8th line, Section 3."

Mr. McCormack offered the following amendment:

SEC. 2. After "State," in the second line, insert "providing so that the white schools and colored schools shall be kept separate and distinct."

The question being on the adoption of the amendment of Mr. McCormack,

Mr. Bradshaw moved to lay said amendment on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Giddings, Hancock, Hart, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shuford, Shaw, Smith of Colorado, Spaight, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Walker, Whitfield, Woods and Young—56.

Nays—Messrs. Bacon, Davis of Webb, Degener, McCormack, Murchison, Parker and Waul—7.

So the motion prevailed.

Mr. Davis of Cherokee offered the following amendment to the 2d Section:

"And the Legislature shall not, under any pretense whatever, loan said fund, or any part thereof, for any purpose whatever."

Withdrawn.

Mr. Degener offered following amendment to the 3d Section:

"Strike out the words 'one-half of,' 8th line." Lost.

Mr. Ireland moved to amend the 4th Section by striking out the words "upon time," 3d line.

Adopted.

Mr. Davis of Cherokee offered following amendment to 5th Section:

Insert the words "or loan," between the words "appropriate" and "any," in the first line.

Mr. Bradshaw offered the following amendment to Section 5:

"Strike out all after the word 'Texas,' in the sixth line."

Withdrawn.

Mr. Wilson moved to lay the amendment of Mr. Davis of Cherokee on the table, and the Yeas and Nays being called, stood as follows:

Yeas—Messrs. Allen, Anderson, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, Mabry, McCormack, Nelson, Parsons, Phillips, Randolph, Record, Reeves, Roberts, Saufley, Shepard, Shields, Spaight, Taylor of Houston, Whitfield and Wilson—29.

Nays—Messrs. Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hancock, Hill, Ireland, Ledbetter, Middleton, Murchison, Norton, Norris, Parker, Perry, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Woods and Young—34.

Lost.

Mr. Smith of Colorado offered the following as a substitute for the amendment of Mr. Davis of Cherokee:

After the word appropriate, in the 1st line, insert the words "or loan or invest, except as follows."

Adopted.

The question recurring on the adoption of the substitute as part of the Section, the same was put, and adopted.

Mr. Ireland offered the following amendment to 5th Section:

Strike out all after the word "guarantee," in the 7th line.

Adopted.

Mr. Bumpass offered to amend as follows:

Strike all after the word "America," in the 6th line.

And the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hart, McCormack, Murchison, Norton, Parker, Perry, Saunders, Taylor of Fannin and Young—15.

Nays—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, Nelson, Norris, Phillips, Record, Reeves, Roberts, Saufley, Shields, Shaw, Smith of Colorado, Spaight, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Whitfield, Wilson and Woods—43.

Lost.

Mr. Thompson offered the following amendment to Section 5: Strike out all after "whatever," in 2d line, down to "and it," in 4th line.

Lost.

Mr. Hart moved to adjourn until 9½ o'clock to-morrow morning.

Carried.

SATURDAY, March 17th, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present.

The President pro tem. being excused by the House on yesterday, and the President being still sick, the Convention was called to order by acting chief clerk Wheeler, and nominations being in order for President pro tem.,

Mr. Runnels nominated Mr. Taylor of Houston.

Mr. Taylor of Fannin nominated Mr. Hart.

Mr. Jones of Bexar nominated Mr. Johnson of Tarrant.

Name of Mr. Johnson withdrawn.

Mr. Taylor of Fannin and Mr. Davis of Webb appointed as Tellers.

The ballots being told, it appeared that Mr. Taylor had received 39 votes, and Mr. Hart 25 votes; Scattering 2.

Mr. Taylor, having received a majority of the votes cast, was declared duly elected President pro tem. of the Convention.

Mr. Ledbetter and Mr. Latimer were appointed to conduct him to the chair.

Journal of yesterday read and adopted.

On motion of Mr. Norris, Mr. Gurley was excused for the day.

On motion of Mr. Latimer, Mr. Beall and Mr. Hart were added to the committee on Finance.

On motion of Mr. Slaughter, Mr. Bryan was excused indefinitely.

Mr. Norton, chairman of the committee on Condition of the State, made the following report:

COMMITTEE ROOM, March 16, 1866.

Hon. D. C. Dickson, President pro tem. of the Convention:

The committee on the Condition of the State, having had the subject of the division of the State, and the disposition to be made of the unsettled portion of the territory in the northwest part of the State, under consideration, have instructed me to report the accompanying ordinance, and recommend its passage:

AN ORDINANCE,

To Provide for the Sale of a part of the Public Domain of the State.

SECTION 1. *Be it ordained by the people of the State of Texas, in Convention assembled,* That the Legislature of this State is hereby authorized and empowered to sell to the United States all of the territory of the State lying west of a line beginning at the mouth of the Pecos river; thence up that stream to Fort Lancaster; thence in a right line to Red river, at the point where the 102d parallel of longitude crosses that river; and that the money arising from said sale be set apart as a perpetual school fund.

The committee on the Condition of the State, through their chairman, also reported as follows:

COMMITTEE ROOM, March 15, 1866.

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on Condition of the State, having had under consideration a resolution in regard to a constitutional amendment providing for a future division of the State, have instructed me to report the following ordinance, and recommend its passage:

AN ORDINANCE,

To Provide for a Division of the State of Texas.

SEC. 1. *Be it ordained, by the people of the State of Texas, in Convention assembled,* That the Legislature shall be vested with power to give the consent of the State to the erection of a new State or States within the limits of this State, and to pass all laws necessary to designate the boundaries of such new State or States, and to enable the people of the same to organize State governments. The Legislature is also vested with power to settle the claims of such new State or States to a proper share of the school fund and the public domain.

Reports and ordinances read a first time, and passed to orders of the day.

Mr. Reeves, one of the committee on General Provisions of the Constitution, made the following report in behalf of said committee:

COMMITTEE ROOM, March 17th, 1866.

Hon. D. C. Dickson, President pro tem. of Convention:

The committee on the General Provisions of the Constitution, to whom was referred an ordinance to amend Section 10th, Art. VII of the General Provisions, have had the same under consideration, and instruct me to report the following amendment to said Section, so that the same shall read as follows:

SEC. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years, except the office of the Superintendent of the Lunatic Asylum, or other Asylums that may be established by law, who shall continue in office during good behavior: *Provided,* that in all cases where the Governor has the authority, under this Constitution, or laws made in pursuance thereof, to appoint to office, he shall also have power to remove from the same for malfeasance in office, neglect of duty, or other good cause, provided that a statement of the cause shall, at the time of removal, be furnished the party interested, and a copy thereof shall also be recorded in the office of the Secretary of State. Respectfully submitted.

Read first time, and passed to the orders of the day.

Mr. Dalrymple, chairman of committee on Indian Affairs, made the following report:

COMMITTEE ROOM, March 17th, 1866.

Hon. W. M. Taylor, President pro tem. of Convention:

SIR: I am instructed by the committee on Indian Affairs to refer back, without action, the resolution instructing them to consider the propriety of authorizing the Legislature to cede the exclusive occupation of certain lands belonging to this State, for fifty years, for the purpose of establishing military posts thereon; the subject matter, and the object sought to be attained by said resolution, having been reported back in a different form by this committee, and by the committee on Public Lands.

Received, to come up in order.

Mr. Varnell offered the following resolution:

Resolved, That this Convention declare Henry Briggs the Assistant Sergeant-at-Arms, and that he receive the per diem pay as such Assistant Sergeant-at-Arms from the date of the resolution authorizing the Sergeant-at-Arms to employ the necessary help, after leave of absence was granted the Assistant Sergeant, Mr. Stubblefield.

Resolution adopted.

Mr. Slaughter presented the petition of Mr. J. H. Hutchins, of Travis county, and the following ordinance:

Be it ordained by the people of the State of Texas, in Convention assembled, That the Legislature, at its first session, be and is hereby required to make provision to pay all indebtedness of the State to the officers and clerks of the various civil departments of the State Government, which were known to the law prior to the act of secession, and on all Treasury Warrants issued to said officers and clerks since the 28th day of January, 1861: *Provided*, the Warrants are now in the actual possession of the officers and clerks to whom they were issued, which must be proven by deposition made before an officer, sustained by the testimony of two witnesses.

Petition and ordinance referred to the committee on Finance.

The resolution offered by Mr. Whitfield, on yesterday, in regard to restricting the time which members of the Convention may speak, taken up, and adopted.

The ordinance providing for the election of State and county officers, and fixing a time for the meeting of the Legislature, together with the proposed amendments thereto, taken up, and, on motion of Mr. Phillips, referred to the committee on the Legislative Department.

The question pending at the hour of the last adjournment, viz: Art. X, Education, again taken up.

Mr. Camp of Upshur offered the following as a substitute for the Article under consideration:

ORDINANCE.

Be it ordained, That the school fund, heretofore set apart by the State for educational purposes, together with all lands known as school lands, including University lands, &c., shall be divided by the Legislature among the several counties of this State, according to the scholastic population of each; and should the Legislature find the division of the lands above specified impracticable, in that event they may order the sale thereof on such terms as they may deem best; the proceeds arising from said sales, together with the fund so divided, shall be used by the several counties for educational or other purposes, as the County Courts thereof may determine: *Provided*, that the lands heretofore located, or that may hereafter be located, by the several counties of this State, shall not be included in this division, but shall be retained, and remain at the disposal of those counties by which they were so located, at the discretion of their several County Courts.

Mr. Runnels offered the following as a substitute for the first four lines of Mr. Camp's substitute:

That the school fund heretofore set apart by the Legislature of the State for educational purposes revert to the Treasury of the State, the principal and interest, either or both of which, (as the emergency may require,) shall be used and appropriated by the Legislature in payment of the public indebtedness, and the ordinary expenses of the State Government hereafter arising: *Provided*, that in no event shall the Legislature have power to relieve the corporations from the full payment of their indebtedness, or any portion thereof, (either whole or in part,) to said fund.

Mr. Norton moved to lay the substitute of Mr. Camp and the substitute of Mr. Runnels on the table.

On motion of Mr. Hart, a division of the question was granted.

The question being on laying the substitute of Mr. Runnels on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Davis of Webb, Degener, Drake, Gentry, Hart, Henderson, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Lane, Latimer, Ledbetter, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Parker, Perry, Phillips, Ranck, Randolph, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Whitfield, and Woods—37.

Nays—Messrs. Allen, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Giddings, Hancock, Hill, Ireland, Johnson of Tarrant, Lindsey, Norris, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Thompson, Walker, Waul, and Young—31.

So the substitute of Mr. Runnels was laid on the table.

The question recurring on the adoption of Mr. Camp's substitute, Mr. Norton renewed his motion to lay the same on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Bumpass, Burke, Dalrymple, Davis of Webb, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Record, Reeves, Richardson, Saufley, Shepard, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Walker, and Whitfield—48.

Nays—Messrs. Beall, Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hart, Hurt, Latimer, Middleton, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Colorado, Taylor of Fannin, Varnell, Waul, Woods, and Young—23.

So the substitute of Mr. Camp was laid on the table.

Mr. Ireland proposed to amend the 6th Section by striking out the words "or other political divisions," in the second line.

Lost.

Mr. Davis of Cherokee proposed to amend by striking out the word sold, 6th Sec., 3d line, and insert in lieu thereof the word lease.

The hour having arrived for the consideration of the ordinance introduced by Mr. Hancock, touching the liabilities of the State for debts contracted in support of the Asylums, and because of pensions, the same was taken up, and, on motion of Mr. Waul, postponed to await the report of the committee to whom it was referred.

The question recurring on the amendment proposed by Mr. Davis, to the 6th Sec. of the Article on Education, Mr. Whitfield moved to lay the amendment of Mr. Davis of Cherokee on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Degener, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Reeves, Roberts, Saufley, Shepard, Shields, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Waul, Whitfield and Woods—49.

Nays—Messrs. Bacon, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Flanagan, Record, Richardson, Runnels, Saunders, Selman, Shaw, Varnell, Walker, and Young—15.

So the amendment was laid on the table.

Mr. Degener offered to amend the 6th Section by striking out all after the word State, in the 5th line.

On motion of Mr. McCormack, the amendment was laid on the table.

Mr. Camp of Upshur moved to strike out the 6th Section by way of amendment.

The Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Beall, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Hill, Saunders, Selman, and Young—8.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, Whitfield, and Woods—57.

The amendment was lost.

Mr. Roberts offered a substitute for the whole Article, and having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman have leave to proceed, the same was put, and the leave granted.

The question recurring on the adoption of the substitute offered by Mr. Roberts, Mr. Henderson moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Benge, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Hancock, Henderson, Hunt, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Mabry, McCormack, Murchison, Nelson, Norton, Parsons, Ranck, Reeves, Richardson, Saufley, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Waul, Whitfield and Woods—36.

Nays—Messrs. Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Flanagan, Lindsey, Middleton, Norris, Parker, Perry, Phillips, Randolph, Record, Roberts, Runnels, Selman, Shaw, Tyus, Varnell, and Walker—22.

The substitute was therefore laid on the table.

Mr. Henderson offered the following amendment to the 7th Section, viz:

Strike out all after Legislature in 1st line, and insert, "shall have no power to lay a direct tax for the support of common schools, or for educational purposes."

Mr. Slaughter offered the following as a substitute for the whole Article, and for the amendment of Mr. Henderson:

Resolved, That the school system as heretofore established, and as is proposed hereafter to be established, is a huge humbug, and, as heretofore practiced, has failed signally to "a general diffusion of knowledge;" and it is the sense of this Convention that, in view of our complicated condition, it is unwise that any system of public schools be adopted by this Convention, but that the Legislature may hereafter provide for an efficient school system.

The question being on the adoption of the substitute offered by Mr. Slaughter, on motion of Mr. Whitfield, the substitute of Mr. Slaughter was laid on the table.

Mr. Record moved to adjourn till 7 o'clock to-night.

Carried.

Pending, the amendment of Mr. Henderson.

7 O'CLOCK, P. M.

Convention met; roll called; quorum present.

Question pending at the hour of the last adjournment, viz: the amendment of Mr. Davis of Cherokee to the 6th section of the Article on Education reported by the committee on Education again taken up.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following report:

COMMITTEE ROOM, March 17th, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

SIR: The committee on Engrossed and Enrolled Ordinances have examined the ordinance defining the 3d Article of the Constitution, and find the same correctly enrolled and properly signed. Respectfully submitted.

Accepted.

The question recurring on the adoption of the amendment proposed by Mr. Davis of Cherokee, to amend said sixth section as follows, at the end thereof, "Provided, the Legislature shsll not cause said lands or any part thereof to be sold, prior to the first day of January, A. D. 1870," and Mr. Reeves occupying the floor, he was called to order by the President, under the ten minute rule.

The question being, Shall the gentleman from Anderson proceed? and being put, the leave was granted.

The question recurring on the amendment of Mr. Davis of Cherokee, the same was withdrawn.

Mr. Degener offered the following amendment, to come in at the end of 6th section:

Provided, that no land shall be sold without the consent of the respective counties.

Mr. Walker, having the floor, was called to order by the President; and the question being, Shall the gentleman have leave to proceed? and the same being put, the leave was granted.

The question recurring on the amendment proposed by Mr.

Degener, he accepted the following, offered by Mr, Reeves, as a substitute:

"*Provided*, that the lands already patented to the counties shall not be sold, without the consent of such county or counties to which the lands may belong." To come in after the word "respectively," in 6th line, Section 6.

Adopted.

Mr. Henderson offered the following amendment to Section 7:

Strike out all after the word Legislature, in first line, and insert, "shall have no power to levy a direct tax for the support of common schools, or for educational purposes."

The question being on the adoption of said amendment, and the same being put, the amendment was lost.

Mr. Roberts offered the following amendment:

Amend the 7th Section by adding to the end of the first line the following words: "Provided the amount of taxes levied shall be disbursed from year to year, as the same may be collected;" and by adding to the end of the last word in Section 7 the words, "and provided, further, that the Legislature may tax one race and not tax the other, or may impose a different rate of taxation upon the two races, as the public interest may require."

Mr. Beall offered the following as a substitute for Section 7 and the amendment proposed by Mr. Roberts:

Sec. 7. The Legislature may provide for the levying of a tax from Africans, or persons of African descent, which shall be exclusively appropriated to the maintenance of a system of public schools for Africans and their children.

Substitute of Mr. Beall lost.

The question recurring on the amendment of Mr. Roberts, the same was put and lost.

Mr. Johnson of Tarrant moved to strike out the 7th section.

On motion of Mr. Davis of Webb, laid on the table.

Mr. Record offered the following amendment:

Amend 7th section by striking out the word "the," in the second line, and insert, after the word "descent," in third line, "and none other," and strike out, in third line, "exclusively."

Mr. Varnell offered the following amendment, to come in at the end of the 7th section:

"Provided, that all sums collected from Africans shall be collected by assessors and collectors of African descent, to be elected or appointed, as the Legislature may hereafter provide for."

Mr. Whitfield moved to lay the amendment of Mr. Varnell on the table, and the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Benge, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Gentry, Giddings, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Ledbetter, Lindsey, McCormack, Middleton, Norton, Norris, Perry, Phillips, Porter, Record, Reeves, Roberts, Selman, Shepard, Taylor of Fannin, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Woods—38.

Nays—Messrs. Bradshaw, Degener, Flanagan, Murchison, Parsons, Ranck, Runnels, Saunders, Smith of Colorado, and Varnell—10.

So the amendment was laid on the table.

Mr. Davis of Webb moved to strike out the word "direct," in first line 7th section.

Proposed amendment accepted by Mr. Record; and the question being on the adoption of the amendment of Mr. Record, Mr. Ireland offered the following as a substitute for the 7th section and the amendment of Mr. Record:

Add, after word "tax," in first line, "upon Africans," and strike out second line, and third line down to "for."

Which was ruled out of order by the President.

The question recurring on the adoption of the amendment of Mr. Record, on motion, the question was divided, and the vote being first taken on the motion to strike out the word "direct," the same was put, and the amendment adopted.

The question being put on the amendment first proposed, the same was lost.

The Convention refused to adjourn, on motion.

Mr. Henderson moved the previous question. Seconded.

The question being, Shall the main question be now ordered? and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Benge, Camp of Upshur, Flanagan, Giddings, Henderson, Hill, Ledbetter, McCormack, Murchison, Phillips, Smith of Colorado, Taylor of Houston, Thompson and Varnell—15.

Nays—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Gentry, Hunt, Ireland, Johnson of Tarrant, Johnson of Titus, Lindsey, Middleton, Norton, Norris, Parsons, Perry, Porter, Ranck, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shepard, Slaughter, Taylor of Fannin, Thomas of Cameron, Walker, Waul, Whitfield and Woods—35.

So the House refused to order the main question.

Mr. Norton offered the following amendment:

Amend Section 8 by striking out all after the word "shall," in second line, and inserting, "be and the same is hereby added to the public school fund."

Mr. Record moved to reconsider the vote refusing to adopt his amendment, as divided.

The question being on the reconsideration, the same was put, and lost.

The question recurring on the adoption of the amendment of Mr. Norton, Mr. Whitfield offered the following amendment:

"Provided, that the white children and those of African descent shall not be taught in the same school."

On motion, Convention adjourned till 9½ o'clock on Monday morning, pending the amendment of Mr. Whitfield.

MONDAY, March 19th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Davis of Webb, one of the committee on Finance, presented the following report:

COMMITTEE ROOM, March 17, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred an ordinance to authorize the payment of debts contracted for the support of the Asylums of the State, and other purposes, direct me to report as follows:

The committee, after due investigation, consider all of this class of indebtedness, (incurred between the 28th day of January, 1861, and the date of the surrender to the United States forces,) as being substantially within the prohibition contained in the 3d Section of the ordinance passed by this Convention on the 14th inst. State Warrants were issued under the then existing authorities at a scaled rate of value sufficient to cover all the indebtedness. In regard to any claims subsequent to the surrender for supplies furnished the Asylums, the committee are of opinion that these have been, or will be provided for, by the Provisional Governor of this State, or by the United States Government. The committee accordingly ask leave to return said ordinance, with a recommendation that no action be taken thereon by this Convention.

Received, to come up in order.

Mr. Beall made the following report from the committee on Finance:

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Finance, to whom was referred the petition of J. H. Hutchins and accompanying ordinance, requiring the Legislature to pay all claims of State officers and clerks of the various civil departments of State, have had the same under consideration, and instruct me to report, that it is the unanimous opinion of the committee that the claims therein sought to be paid are among that class contemplated by the 3d Section of an ordinance "declaring the war debt void and for other purposes," and see no reason why the claims referred to should be an exception to the general rule, and therefore cannot recommend the passage of the ordinance.

Received, to come up in order.

Mr. Randolph made the following report from committee on Enrolled and Engrossed Ordinances:

Hon. W. M. Taylor, President pro tem. of the Convention:

SIR: The committee on Enrolled and Engrossed Ordinances have examined an ordinance creating a Criminal Court for the counties of Galveston and Harris, and find the same correctly engrossed.

Report accepted.

Mr. Roberts, chairman of the Judiciary Committee, made a report as follows:

COMMITTEE ROOM, March 18th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The Judiciary Committee, to whom was referred the resolution of the delegate from Tarrant county, (Mr. M. T. Johnson,) in relation to relief to be given to executors and administrators who have received Confederate money, have had the same under consideration, and have instructed me to recommend that the Convention shall take no action thereon. It would be a direct interference with the rights of parties, in such manner as would open the doors to frauds to an extent not now to be foreseen.

Received, to come up in order.

Mr. Record offered the following resolution:

Resolved, That a committee of nine be appointed to report a suitable address to His Excellency, Andrew Johnson, President of the United States of America.

Adopted.

In execution of which resolution, the President pro tem. appointed the following committee:

Mr. Record, chairman; Runnels, Norton, Walker, Hancock, Jones of Bexar, Roberts, Smith of Colorado, Phillips.

Mr. Shepard offered the following ordinance:

AN ORDINANCE.

Be it ordained by the people of the State of Texas in Convention assembled, That it shall be the duty of the Attorney General of the State to bring suits, at the city of Austin, against all persons who may have received United States bonds, or other character of liability or property belonging to the State of Texas, under contracts, real or pretended, with the military board or other authority of the State, where damage has resulted, or cause of action accrued to the State, by reason of a failure of such person, or persons, to comply with such contracts, for the recovery of any and all sums as under the rules of law and equity may be due and recoverable; the Attorney General shall also institute suits against any and all persons who may have drawn moneys from the Treasury of the State since the 5th day of August, 1865, for services, real or pretended, rendered since the 28th day of January, 1861, prior to the 5th of August, 1865, and recover back the same, unless the party can show some special equity which entitled him or them to retain the same; and a lien is hereby created on the property, money, and effects of all persons who may be found legally liable on such contracts, or may have drawn money illegally from the Treasury, to secure the payment of all such sums of money. Either party shall have the right to appeal to the Supreme Court as in other cases.

Read first time, and referred to committee on General Provisions of the Constitution.

On motion of Mr. Allen, Mr. Phillips was added to the Legislative Department Committee.

Mr. Mabry offered the following ordinance:

Be it Ordained, by the State of Texas in Convention assembled, That no Court of this State shall take cognizance of any suit, or suits, against any county of this State, to recover any debt contracted by any of said counties incurred in support of the late civil war; nor shall the people of any county be taxed to pay any such debts.

Read first time, and referred to committee on Finance.

Mr. Hunt moved to excuse Mr. Ireland indefinitely, on account of illness in his family, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Flanagan, Gentry, Giddings, Hill, Hunt, Hurt, Lane, Latimer, Lindsey, McCormack, Murchison, Nelson, Norton, Norris, Perry, Porter, Randolph, Reeves, Richardson, Runnels, Saunders, Shepard, Shields, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Woods, and Young—43.

Nays—Messrs. Allen, Anderson, Bradshaw, Davis of Cherokee, Drake, Henderson, Jones of Bastrop, Mabry, Parsons, Phillips, Roberts, Saufley, Shaw, Walker, Waul, and Whitfield—16.

So the leave was granted.

On motion of Mr. Norton, Mr. Bacon was added to the committee on Finance.

Mr. Selman introduced the following:

AN ORDINANCE,

On the subject of Mines, Minerals, Salines, &c.

SEC. 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That all mines, minerals, salines, oil springs, or wells, and all precious metals or minerals heretofore discovered or used, or which may hereafter be discovered, shall be and the same are hereby declared to be the property of the rightful owner of the land on which the same may be situated.

Read first time, and referred to committee on Condition of the State.

Mr. Hancock, chairman of the committee on General Provisions of the Constitution, by leave, made the following report:

COMMITTEE ROOM, March 17th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on General Provisions of the Constitution, to whom was referred an ordinance relative to the salt lake known as "El Sal del Rey," have had the same under consideration, and direct me to report the following substitute for the same, and recommend its passage:

Section, to be added to General Provisions of the Constitution.

That the State of Texas hereby releases to the owner of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the Legislature may impose. All Islands along the Gulf coast of the State, not now patented or appropriated by locations under valid land certificates, are reserved from location or appropriation in any other manner, by private individuals, than as the Legislature may hereafter direct.

Read first time, and passed to the orders of the day.

Question pending at the hour of the last adjournment, viz: the amendment of Mr. Whitfield to the 7th Section, Art. X, Education, of the Constitution, again taken up, and the question being on the adoption of said amendment, when the President declared the same to be out of order.

Mr. Camp of Goliad offered the following substitute for Section 8:

SEC. 8. The moneys and lands heretofore granted for the endowment and support of Universities, is hereby appropriated to the public school fund.

On motion of Mr. Hurt, the substitute was laid on the table.

Mr. Davis of Webb offered the following amendment to the 7th Section, to come in after the word "children," in the 4th line: "and it shall be the duty of the Legislature to encourage schools among these people."

Adopted.

Mr. Parsons offered the following amendment:

Amend Section 8 by striking out all after the word "shall," in 2d line, and insert the words "be transferred to the public school fund; and the Legislature may, at any time it may deem it expedient, appropriate so much of such public school fund as may be necessary for the erection and support of one or more Universities."

On the motion of Mr. Henderson to lay the amendment of Mr. Parsons on the table, the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Gentry, Hancock, Henderson, Hill, Hurt, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Mabry, McCormack, Murchison, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Roberts, Runnels, Saunders, Shepard, Shields, Shaw, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, and Young—46.

Nays—Messrs. Beall, Camp of Goliad, Camp of Upshur, Flanagan, Giddings, Hunt, Middleton, Norton, Parsons, Porter, Ranck, Richardson, Saufley, Slaughter, Smith of Lamar, Taylor of Fannin, and Woods—17.

So the amendment was laid on the table.

Mr. Gentry offered the following as an additional Section to the Article:

SEC. 9. The four hundred thousand acres of land that have been surveyed and set apart, under the provisions of a law approved 30th of August, A. D. 1856, for the benefit of a Lunatic Asylum, a Deaf and Dumb Asylum, a Blind Asylum, and an Orphan Asylum, shall constitute a fund for the support of such institutions, one-fourth part for each; and the said fund shall never be diverted to any other purpose. The said lands may be sold, and the fund invested under the same rules and regulations as provided for the lands belonging to the school fund; the income of said fund only shall be applied to the support of such institutions, and until so applied, shall be invested in the same manner as the principal.

On motion of Mr. Saunders, the Doorkeeper, Mr. Flournoy, was excused for the day on account of illness.

The question recurring on the adoption of the additional Section offered to the Article by Mr. Gentry, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Armstrong, Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Gentry, Hancock, Hart, Henderson, Hunt, Johnson of Tarrant, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Perry, Ranck, Randolph, Record, Reeves, Richardson, Runnels, Saunders, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, and Young—43.

Nays—Messrs. Anderson, Bacon, Beall, Burke, Dalrymple, Flanagan, Giddings, Hunt, Jones of Bastrop, Parsons, Phillips, Roberts, Saufley, Shaw, Smith of Lamar, Taylor of Fannin, Walker, Waul, Whitfield, and Woods—20.

So the amendment was adopted.

Mr. Mabry offered the following amendment to Sec. 8:

Amend to read, after the word Universities, in 3d line, "and until the University, or Universities, are located and commenced, the principal and the interest arising from the investment of the principal shall be invested in like manner."

Adopted.

Mr. Roberts offered the following amendment:

After 1st line, 7th Section, "provided the taxes levied shall be distributed from year to year, as the same may be collected."

And Mr. Norton, having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman have leave to proceed, and being put, the leave was granted.

The question recurring on the amendment of Mr. Roberts, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Hancock, Hart, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, and Woods—62.

Nays—Messrs. Benge, Davis of Cherokee, Mabry, and Norton—4.

The amendment was therefore adopted.

The question recurring on the amendment of Mr. Norton, the same was ruled out of order.

Mr. Parsons moved to strike out the 9th Section of the Article.

On motion, laid on the table.

Mr. Norris offered the following as an addition to Section 10:

And the counties which have not had the lands to which they are entitled for educational purposes located, shall have the right to contract for the location, surveying, and procuring the patents for said lands, and of paying for the same with any portion of said lands so patented, not to exceed one-fourth of the whole amount to be so located, surveyed and patented, to be divided according to quality, allowing to each part a fair proportion of land, water, and timber.

Mr. Davis of Webb offered the following amendment to Section 9:

Strike out from commencement down to word instruction, on 2d line, inclusive, and insert, "an officer, to be styled the Superintendent of Public Instruction, shall be elected by the people at the general elections of State or county officers, and in case of vacancy, the Government shall appoint to fill the same until a successor can be duly elected and qualified."

And the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Burke, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Drake, Flanagan, Hart, Henderson, Hill, Johnson of Titus, Lane, Latimer, Middleton, Nelson, Norton, Parker, Parsons, Perry, Porter, Reeves, Richardson, Saunders, Saufley, Selman, Shields, Shuford, Slaughter, Smith of Colorado, Tyus, and Young—31.

Nays—Messrs. Allen, Anderson, Bacon, Beall, Benge, Bumpass, Camp of Upshur, Degener, Gentry, Giddings, Hancock, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norris, Phillips, Roberts, Runnels, Shepard, Shaw, Taylor of Houston, Thompson, Varnell, Walker, Waul, Whitfield, and Woods—34.

So the amendment was lost.

The question recurring on the amendment of Mr. Norris, Mr. Davis offered the following amendment to 9th section:

After the word times, on 3d line, add the words "and he shall have superintendence and management of common schools."

Mr. Shields proposed to substitute the amendment of Mr. Davis by inserting the words "and common schools," after the word fund, in 5th line.

Substitute accepted by Mr. Davis, and adopted by the House.

Mr. Roberts offered the following amendment:

In line first, Sec. 9, strike out the words, "the Legislature shall elect," and insert the words, "the Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint."

Adopted.

Mr. Davis of Cherokee offered the following amendment, to come in at the end of 9th section:

Provided the Legislature shall appoint a Board of Scholars to examine and report on the qualification of all candidates for the position of Superintendent.

On motion, laid on the table.

The question recurring on the amendment of Mr. Norris to the 10th section, and being put, the same was adopted.

Mr. Gentry moved the previous question. Seconded.

And the question being, shall the main question be now put, the same was submitted to the House, and the main question was ordered.

The main question being the engrossment of the Article, was put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norris, Phillips, Ranck, Randolph, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Shaw, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—52.

Nays—Messrs. Beall, Bradshaw, Davis of Cherokee, Flanagan, Hart, Johnson of Tarrant, Norton, Parker, Parsons, Perry, Porter, Runnels, Selman, Smith of Lamar, Taylor of Fannin, Varnell, and Young—17.

So the Article was ordered to be engrossed.

Mr. Gentry moved a suspension of the rules, to put the Article on its final passage, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Bumpass, Camp of Goliad, Dalrymple, Drake, Gentry, Johnson of Titus, Jones of Bastrop, Ledbetter, McCormack, Richardson, Saunders, Thompson, and Whitfield—15.

Nays—Messrs. Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Hancock, Hart, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Tyus, Varnell, Walker, Waul, Woods, and Young—55.

So the Convention refused to suspend the rule.

Mr. Mabry moved to suspend the rule, and take up an ordinance validating counties which have been created with an area less than 9000 square miles.

Lost.

An ordinance to provide for the payment by the State of the sums of money due the perpetual public school fund, taken up.

Mr. Bumpass made motion to lay it on the table.

Withdrawn.

Mr. Runnels moved to lay the ordinance on the table.

Withdrawn.

On motion of Mr. Allen, ordinance referred to the Finance Committee.

On motion, Convention adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Convention met; roll called; quorum present.

The ordinance reported by the committee on Indian Affairs was taken up.

Mr. Davis of Webb moved to strike out all of Section 1, and that portion of Sec. 2 which refers to making a treaty with the tribes of Indians mentioned in Sec. 1.

Motion sustained.

Mr. Lindsey offered the following resolution as a substitute for the ordinance:

Resolved, That G. H. Giddings be furnished with a copy of the resolution passed by this body in relation to Indian matters; and that he be requested to press upon the President the necessity of reoccupying the line of posts between Red River and Rio Grande as early as possible.

Lost.

Mr. Saunders offered the following resolution as a substitute for the ordinance:

Resolved, That the Provisional Governor of the State of Texas be requested to call into service a regiment of mounted troops, for the immediate protection of the frontier.

Lost.

Mr. Jones of Bexar offered the following amendment:

To come in at the end of 2d Section.

And said Commissioner is authorized to signify to the General Government the consent of the State of Texas that a treaty may be made by the Government, by which the privilege of hunting, for a limited number of years, on the unoccupied territory of the State west of the 100th parallel of longitude, may be conceded to the Choctaws, Chickasaws, and Cherokees, upon condition that these tribes will aid in protecting the frontier of Texas, and give information of the movements of hostile bands; and that said Commissioner be instructed to give information particularly of the hostile operations of the Kickapoo tribe, now settled in Mexico, upon the south-western settlements of this State.

Mr. Allen offered the following substitute for the ordinance and proposed amendments:

Resolved, That the Provisional Governor be requested to have organized at least four companies of mounted Rangers, to be raised in the frontier counties, and have them stationed at such points along the line of frontier as will afford the most efficient protection to the people.

On motion of Mr. Ranck, the whole subject was referred to a select committee of five.

Upon which motion the President appointed the following committee:

Mr. Ranck, chairman; Messrs. Norris, Lindsey, Drake, Jones of Bexar.

On motion, the Convention adjourned until to-morrow, at 9½ o'clock.

TUESDAY, March 20th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Hancock, chairman of committee on General Provisions of Constitution, made report, as follows:

COMMITTEE ROOM, March 17, 1866.

Hon. Wm. M. Taylor, President, pro tem, of the Convention:

The committee on General Provisions of the Constitution direct me to report the accompanying provision, to be added to the General Provisions of the Constitution, and recommend its passage:

SECTION — The Legislature shall have power to make appropriations for the encouragement of literature, and the useful arts and sciences.

Read first time, and passed to the orders of the day

Mr. Johnson of Tarrant offered the following resolution:

Resolved, That in the opinion of this Convention it will be proper for the Provisional Governor of this State to cause the officers of the present Provisional Government to be so paid as to make their salaries equal in specie to the amount of their salaries respectively, as the same are now fixed by law.

On motion of Mr. Phillips, resolution was referred to committee on Finance.

Mr. Walker offered the following ordinance:

Resolved, That no suit or prosecution shall be maintained, or recovery had, against any agent, bailee, executor, administrator, or trustee, who may have been compelled, by virtue of the acts of the Confederate Congress, in good faith, to surrender and deliver to the Confederate States Receivers property or money in their hands, held as such agents, bailees, executors, administrators, or trustees.

Read first time, and referred to the Judiciary Committee.

Mr. Varnell offered following resolution:

Whereas, That distinguished patriot, General Sam Houston, after being elected to the office of Governor of the State of Texas, by the people, was removed from said office without any authority of law, and,

Whereas, Upon his retirement from the active discharge of the duties of his office, he solemnly asserted his right to hold the same, because of his election by the people, and,

Whereas, He has since been removed by the dispensation of Providence from the scene of his earthly labors: therefore,

Be it Resolved, That the Provisional Governor of the State shall cause to be paid to the widow of Governor Houston, from any funds in the treasury, not otherwise appropriated, a sum equivalent in specie to the salary which Governor Houston would have been entitled to receive had he remained in the discharge of the duties of his office during the term for which he was elected, less any amount which was actually received by him.

Read, and referred to committee on Finance.

Mr. Saunders offered the following resolution of instruction:

Resolved, That the committee on the General Provisions of the Constitution be instructed to inquire into the expediency of requiring the Legislature to pass a general act of incorporation, conferring the right to grant charters upon the District Courts.

Read, and referred to the committee on General Provisions of the Constitution.

On motion of Mr. Waul, Mr. Camp of Upshur was added to the committee on Finance.

The ordinance creating a Criminal Court for the counties of Galveston and Harris taken up, and on motion of Mr. Roberts, postponed till action is had on the general report of the Judiciary Committee.

The Article IV, Judicial Department, reported by the Judiciary Committee, taken up.

On motion of Mr. Waul, the rule was suspended, and Article IV taken up, section by section, to receive amendments.

Mr. Saunders moved to lay the matter under consideration on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Ball, Benge, Bradshaw, Bumpass, Middleton, Norton, Parsons, Perry, Richardson, Runnels, Saunders, Saufley, Selman, Shuford, Shaw and Young—16.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Beall, Burke, Camp of Goliad, Camp of Upshur, Clements, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Nelson, Norris, Parker, Phillips, Porter, Randolph, Reeves, Roberts, Shepard, Shields, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, and Woods —50.

The Convention refused to lay the bill on the table.

The question recurring on the consideration of the article, section by section, and amendments being in order to Section 1,

Mr. Walker offered the following amendment, to come in at the end of the section:

"The Legislature may establish Criminal Courts in principal cities within the State, with such jurisdiction, and under such regulations, as may be prescribed by law."

Mr. Davis of Webb offered the following as a substitute for the amendment offered by Mr. Walker:

"And the Legislature, in cases of necessity, may establish courts of criminal jurisdiction exclusively."

Mr. Walker, having the floor, was called to order by the President, under the rule restricting members to one speech on any one question, and the question being shall the gentleman have leave to speak a second time, the same was put, and the leave was granted.

The question recurring on the adoption of Mr. Davis' substitute, the same was put, and the substitute lost.

Mr. Allen offered following as an amendment to the amendment of Mr. Walker, viz:

"*Provided*, Any county, city, or town, in which such court may be created, shall pay all expenses incident to the same."

Mr. Hancock offered the following, to be added to the amendment of Mr. Walker:

"And the judge thereof may preside over the courts of one or more cities, as the Legislature may direct."

Accepted by Mr. Walker.

Question recurring on the amendment of Mr. Allen,

Mr. Davis of Webb moved to lay all the amendments on the table.

Lost.

Question recurring on Mr. Allen's amendment, the same was put, and the amendment lost.

Question recurring on the amendment of Mr. Walker, the same was put, and the amendment adopted.

Amendments being in order to the 2d section,

Mr. Saufley offered to amend as follows:

Strike out ten, and insert six, in 4th line, and also insert three thousand dollars in lieu of four thousand five hundred dollars, in the 4th and 5th lines.

On motion, a division of the question was granted.

The question being on striking out "ten," and inserting "six," another division of the question was asked, and granted, which was on striking out the word "ten."

The Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Benge, Dalrymple, Drake, Flanagan, Hart, Jones of Bexar, Lane, Norton, Nelson, Parsons, Perry, Porter, Richardson, Saufley, Selman, Shaw, Smith of Lamar, Tyus, Walker, Woods and Young—22.

Nays—Messrs. Allen, Bacon, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norris, Parker, Phillips, Randolph, Reeves, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Varnell and Waul—42.

So the Convention refused to strike out.

The question recurring on striking out "four thousand five hundred," and inserting "three thousand," a second division was ordered, when

Mr. Mabry moved to lay the amendment on the table, whereupon,

The Yeas and Nays were ordered, and stood :

Yeas—Messrs. Allen, Bacon, Beall, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Gurley, Hancock, Hill, Hunt, Hurt, Lane, Latimer, Mabry, McCormack, Murchison, Norris, Parker, Parsons, Phillips, Porter, Randolph, Reeves, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thompson, Varnell, Walker, Waul and Young—38.

Nays—Messrs. Anderson, Armstrong, Benge, Dalrymple, Drake, Flanagan, Giddings, Hart, Jones of Bexar, Ledbetter, Lindsey, Middleton, Norton, Nelson, Perry, Richardson, Runnels, Saunders, Saufley, Selman, Shaw, Taylor of Houston, Thomas of Cameron, Tyus, and Woods—25.

The motion prevailed.

Mr. Walker offered following :

"Substitute for first part of Section 2, down to where the word 'shall' occurs the first time in line 3, the following :

SEC. 2. The Supreme Court shall consist of five Justices, any three of whom shall constitute a quorum. They shall be elected by the qualified voters of the State, at a general election for State or County officers, and they shall elect from their own number a presiding officer, to be styled the Chief Justice."

Amendment adopted.

Mr. Giddings offered following amendment :

After the word "dollars," in fifth line, insert "in coin, or its equivalent."

On motion of Mr. Hart, amendment laid on the table,

Mr. Burke offered the following :

Amend 2d section by striking out the words five hundred, in 4th and 5th lines.

Mr. Degener moved to lay the amendment on the table, and the Yeas and Nays being called for, stood thus :

Yeas—Messrs. Allen, Armstrong, Bacon, Ball, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Titus, Jones of Bastrop, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norris, Parker, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Fannin, Thompson, Varnell, Walker, Waul and Young —40.

Nays—Messrs. Anderson, Beall, Benge, Bradshaw, Bumpass, Burke, Dalrymple, Drake, Flanagan, Hart, Jones of Bexar, Latimer, Middleton, Nelson, Norton, Parsons, Perry, Richardson, Runnels, Saunders, Saufley, Selman, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus and Woods—28.

So the amendment was laid on the table.

Mr. Parsons moved to amend by striking out the word five, after the word thirty, in 3d line, and the Yeas and Nays being called, on the adoption of said amendment, stood thus:

Yeas—Messrs. Allen, Armstrong, Beall, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Flanagan, Giddings, Gurley, Hart, McCormack, Norton, Parsons, Porter, Ranck, Randolph, Runnels, Saunders, Saufley, Shuford, Shaw, Thompson and Walker—24.

Nays—Messrs. Anderson, Bacon, Ball, Benge, Bradshaw, Dalrymple, Degener, Drake, Gentry, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, Middleton, Murchison, Nelson, Norris, Parker, Perry, Phillips, Reeves, Richardson, Roberts, Selman, Shields, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Waul, Woods and Young—42.

Amendment was lost.

Mr. Saufley offered the following amendment:

Insert after the words thirty-five years, in the 3d line, the words and shall not exceed sixty-five, and the question being on said amendment,

Mr. Slaughter moved to lay on the table, and the Yeas and Nays being called stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gurley, Hancock, Hart, Hill, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Reeves, Roberts, Shepard, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul and Woods—51.

Nays—Messrs. Ball, Beall, Giddings, Hurt, Nelson, Norton, Norris, Richardson, Runnels, Saunders, Saufley and Young—12.

So amendment was laid on the table.

Mr. Roberts offered to amend by inserting the word they, before the word shall, where it first occurs in the 3d line.

Adopted.

Amendments being in order to the 3d section,

Mr. Mabry offered to amend as follows:

At the end of the sentence in 3d line, add "or under such laws as are now in force."

On motion of Mr. Phillips, laid on the table.

Mr. Norton moved to amend as follows:

Strike out all after the word at, in the tenth line, and insert Canton, in Van Zandt county, and Woodville, in Tyler county.

Mr. Phillips moved to lay proposed amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Mabry, McCormack, Middleton, Nelson, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Richardson, Roberts, Selman, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Varnell, Waul and Woods—49.

Nays—Messrs. Armstrong, Bumpass, Flanagan, Gentry, Hart, Lindsey, Norton, Saufley and Shuford—9.

So amendment was laid on the table.

Mr. Jones of Bexar moved, by way of amendment, to strike out the 10th line.

Lost.

Mr. Norton moved to strike out all in the 10th line after the word at, and insert Tyler, in Smith county.

Mr. Benge offered to amend as follows, to come in at the end of 10th line:

The time and place of holding said courts to be designated by the Chief Justice.

On motion of Mr. Roberts, amendment of Mr. Norton laid on the table.

Question recurring on amendment of Mr. Benge,

On motion of Mr. Norton, laid on the table.

Mr. Parsons offered to amend by striking out "not more than," in the 10th line, and inserting "least," in lieu thereof.

On motion of Mr. Degener, the amendment was laid on the table.

Amendments being in order to the 5th section,

Mr. Norton proposed to amend by striking out in the 3d line the word ten, and insert in lieu thereof the word six.

The question being on the adoption of said amendment,

Mr. Hurt moved to lay on the table.

On motion, a division of the question was granted, and the question being on laying the motion to strike out the word ten on the table,

The Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bradshaw, Camp of Goliad, Davis of Webb, Degener, Drake, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Ledbetter, Mabry, Parker, Phillips, Ranck, Randolph, Reeves, Roberts, Shepard, Shields, Smith of Colorado, Thompson and Varnell—26.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Camp of Upshur, Dalrymple, Flanagan, Gentry, Hart, Johnson of Titus, Jones of Bexar, Latimer, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Perry, Porter, Richardson, Runnels, Saufley, Selman, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul and Woods —36.

Convention refused to lay on the table the amendment.

The question recurring on the motion to strike out ten, in the 3d line, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gentry, Giddings, Hart, Johnson of Titus, Jones of Bexar, Latimer, Lindsey, Middleton, Nelson, Norton, Parsons, Perry, Porter, Ranck, Richardson, Runnels, Saufley, Selman, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul and Woods—39.

Nays—Messrs. Bradshaw, Burke, Davis of Webb, Degener, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Ledbetter, Mabry, Murchison, Norris, Parker, Phillips, Randolph, Reeves, Roberts, Shepard, Shields, Smith of Colorado, Thompson and Varnell—25.

So ten was stricken out.

The question recurring on inserting six,

Mr. Jones of Bexar moved to fill with eight, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, Murchison, Norris, Parker, Phillips, Ranck, Randolph, Roberts, Shepard, Shields, Smith of Colorado, Thompson and Varnell—34.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Dalrymple, Drake, Flanagan, Hart, Johnson of Titus, Middleton, Nelson, Norton, Parsons, Perry, Porter, Reeves, Richardson, Runnels, Saufley, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul and Woods—30.

So the amendment was made.

Mr. Norris offered the following amendment:

Strike out all of the 2d line to the word Judge, and insert in lieu thereof the words appointed by the Justices of the Supreme Court.

On motion of Mr. Flanagan, laid on the table.

Mr. Norton proposed to amend by striking out in the 4th line the words three thousand five hundred, and inserting in lieu thereof the words two thousand five hundred.

Mr. Degener moved to lay the amendment on the table, on which motion the Yeas and Nays were called, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Mabry, Murchison, Norris, Parker, Phillips, Ranck, Randolph, Reeves, Roberts, Shepard, Shields, Smith of Colorado, Thompson, Varnell, Walker and Waul—39.

Nays—Messrs. Allen, Beall, Benge, Burke, Dalrymple, Flanagan, Hart, Johnson of Titus, Middleton, Nelson, Norton, Parsons, Perry, Porter, Richardson, Runnels, Saufley, Selman, Shuford, Shaw, Smith of Lamar, Taylor of Houston, Tyus and Woods—26.

The motion prevailed.

Mr. Richardson proposed to amend by striking out the words five hundred, in the 4th line.

Amendment lost.

On motion of Mr. Waul, Convention adjourned till 7½ o'clock.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment. Roll called; quorum present.

The subject of consideration at the hour of the last adjournment, viz: Article IV, Judicial Department, again taken up.

Amendments being in order to the 7th section, Mr. Norris offered the following, as a substitute for said section:

Sec. 7. There shall be a Clerk for the District Court and a Sheriff for each county, who shall be appointed by the Presiding Judge of the district, subject to removal by said Judge, at his pleasure, or by information, or indictment of a grand jury and conviction by a petit jury.

On motion of Mr. Camp of Goliad, laid on the table.

Amendments to Section 13 being in order, Mr. Degener offered to amend as follows:

In first line, strike out the words "two-thirds of."

And the question being on the adoption of said amendment, and the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Armstrong, Benge, Degener, Drake, Hunt, Lane, McCormack, Murchison, Roberts, Shepard, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker and Waul—17.

Nays—Messrs. Allen, Bacon, Ball, Bradshaw, Burke, Camp of Upshur, Dalrymple, Flanagan, Gentry, Hart, Hill, Hurt, Jones of Bexar, Latimer, Lindsey, Middleton, Nelson, Norris, Norton, Parsons, Perry, Phillips, Reeves, Richardson, Runnels, Saunders, Shields, Shaw, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, and Young—34.

So the Convention refused to adopt said amendment.

Mr. Norton moved to amend as follows:

Strike out the first line, and second line to the word "whose," and insert in lieu thereof the words, "An Attorney General shall be elected by the people."

And the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Hart, Hill, Johnson of Titus, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Norton, Norris, Parsons, Perry, Ranck, Reeves, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Thomas of Cameron, Tyus, Walker and Young—41.

Nays—Messrs. Allen, Bacon, Bradshaw, Bumpass, Davis of Webb, Giddings, Gurley, Hunt, Hurt, Johnson of Tarrant, Latimer, Ledbetter, Mabry, McCormack, Parker, Phillips, Roberts, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Varnell, Waul and Woods—24.

So the amendment was made.

Mr. Norton proposed to farther amend by striking out "four," in the third line, and inserting "two."

Lost.

Mr. Norton proposed to amend by striking out the word "three," in fourth line, and insert "two;" and the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Johnson of Titus, Middleton, Nelson, Norton, Parsons, Perry, Richardson, Runnels, Saunders, Saufley, Shuford, Shaw, Smith of Lamar, Tyus and Woods—30.

Nays—Messrs. Bacon, Ball, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Lane, Latimer, Ledbetter, McCormack, Murchison, Norris, Parker, Phillips, Reeves, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul and Young—35.

So Convention refused to adopt the amendment.

Mr. Norris proposed to amend as follows:

After the words Attorney General, in second line, insert the words, "who shall reside at the capitol of the State during his continuance in office."

The question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Ayes—Messrs. Allen, Armstrong, Ball, Beall, Benge, Burke, Camp of Upshur, Giddings, Gurley, Hancock, Hart, Hill, Hunt, Hurt, Johnson of Titus, Jones of Bexar, Lane, Nelson, Norton, Norris, Parsons, Perry, Porter, Ranck, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Shields, Shuford, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Woods and Young—45.

Nays—Messrs. Anderson, Bacon, Bumpass, Camp of Goliad, Davis of Webb, Degener, Drake, Flanagan, Gentry, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, McCormack, Middleton, Parker, Phillips, and Shepard—18.

So the amendment was adopted.

Mr. Shepard proposed to amend as follows:

Strike out the words, "if not removed by the Governor," in the second and third lines. Adopted.

Mr. Parsons moved to reconsider the vote adopting the amendment proposed by Mr. Norris.

Lost.

Mr. Norris moved to reconsider the vote adopting the amendment proposed by Mr. Norton; and the Yeas and Nays being called on the adoption of said motion, stood thus:

Yeas—Messrs. Allen, Armstrong, Bacon, Bradshaw, Bumpass, Davis of Webb, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Parker, Phillips, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Fannin, Thompson, Varnell, Walker and Woods—33.

Nays—Messrs. Anderson, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Lane, Nelson, Norton, Parsons, Perry, Porter, Reeves, Richardson, Saunders, Saufley, Shuford, Shaw, Taylor of Houston, Tyus and Young—28.

So the motion prevailed.

On motion, the Convention adjourned till 9½ o'clock to-morrow, pending Mr. Norton's amendment.

WEDNESDAY, March 21st, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Gurley presented the petition of W. A. Smith, of Travis county, and the following ordinance relating thereto:

AN ORDINANCE,

Validating Claims therein named.

Be it ordained by the people of Texas, in Convention assembled,

SEC. 1. That the claims of W. A. Smith, for one thousand dollars, for services rendered in the years 1863, 1864, and 1865, as Superintendent of the Blind Asylum; the claim of Mrs. Julia A. Smith for seven hundred and fifty dollars, as matron of said Asylum for the years aforesaid; and the claim of Miss Mary E. Smith, for six hundred and fifty dollars, and that of Miss S. J. Smith, for four hundred dollars, for services as teachers in the Blind Asylum, for the years 1863, and 1864, and 1865, in all aggregating the sum of twenty-eight hundred dollars, be and they are hereby validated, and declared to be valid and subsisting claims against the State of Texas.

SEC. 2. That the sum of twenty-eight hundred dollars be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay said claims, upon the presentation at the Treasury of vouchers properly certified, under the law governing the payment of money on account of said Blind Asylum.

Read first time.

Mr. Gurley moved to suspend the rules, in order to take up and consider the ordinance.

Lost.

On motion of Mr. Bacon, ordinance and petition referred to committee on Finance.

Mr. Norton, chairman of committee on Condition of the State, made the following report:

COMMITTEE ROOM, March 19th, 1866.

Hon. W. M. Taylor, President, pro tem., of the Convention:

The committee on Condition of the State, to whose consideration the subject encouraging immigration has been referred, believing that it is of the utmost importance that our vast territory should be settled up and improved by an energetic, enterprising, and industrious population, have authorized me to report the following resolution, and to recommend its adoption. The importance of the subject, in our judgments, must commend the resolution to the minds of all who desire the prosperity of the State.

RESOLUTION,

Acthorizing the appointment of a Commissioner of Statistics for the promotion of Immigration.

Resolved, That the Legislature may provide for the appointment of a Commissioner of Statistics, to organize a system for the promotion of immigration to the State of Texas, whose duty it shall be to collect information in regard to the mineral resources, productions, and population of the State, and to prepare and publish such documents as may be calculated to furnish correct information about all the counties of the State, and inviting immigration from other States and countries.

Read first time, and passed to the orders of the day.

Mr. Bacon, in behalf of the committee on Finance, made the following report:

To Hon. W. M. Taylor, President pro tem. of Convention:

To committee on Finance, to whom was referred an ordinance entitled an ordinance relating to debts contracted by counties in support of the late civil war, have had the same under consideration, and have instructed me to report said ordinance back to the Convention, with the unanimous recommendation of the committee that it do pass.

Received, to come up in order.

Mr. Thompson, in behalf of the committee on Enrolled and Engrossed Ordinances, made the following report:

COMMITTEE ROOM, March 20th, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Enrolled and Engrossed Ordinances instruct me to report that they have examined Article X, Education, and found it correctly engrossed.

Received and adopted.

Mr. Ranck, chairman of select Committee, made the following report:

COMMITTEE ROOM, March 20th, 1866.

Hon. W. M. Taylor, President pro tem. of Convention:

The select Committee, to whom was referred an ordinance in relation to sending a Commissioner to Washington City, to procure troops to be stationed upon the frontier of the State, and for other purposes, have had the same under consideration, and instruct me to report the following preamble and resolutions, and respectfully recommend their adoption:

Whereas, the Convention, at a former day, passed resolutions declaratory of the defenceless condition of the people settled upon the frontier of the State; and,

Whereas, authentic information has been received by the Convention from almost all the counties of the frontier, of extensive raids by Indians since that time; raids in which large herds of horses and cattle were stolen and driven off, and many men, women, and children murdered, and mutilated in the most barbarous manner, and many others carried away into captivity, whose condition is far worse than that of those who suffered death by the tomahawk and scalping knife;

And whereas, whole counties on said frontier, heretofore settled, have been depopulated by savage incursions, and it being fully demonstrated that without efficient aid, speedily afforded, the people of the frontier counties must and inevitably will give way, and the settlements recede still further into the interior:

Therefore, be it Resolved, by the people of Texas in Convention assembled, That the Governor be requested, and he is hereby authorized to appoint immediately a suitable Commissioner, to repair to Washington City, to make known to the General Government the condition of the people settled upon the frontier of this State, and that the State is utterly powerless to afford the necessary aid and protection.

Be it further Resolved, That said Commissioner is hereby instructed to urge upon the President and Secretary of War the fact that the Kickapoo tribe of Indians, now settled in Mexico, between Piedras Negras and Santa Rosa, are continually making raids into the settlements of Texas, and killing and carrying off our citizens, and driving off large quantities of cattle and horses into Mexico; that they are well armed, and savage in the warfare they wage, and now have in their possession numbers of white children captured in their raids; and also, the necessity of sending immediately a sufficient number of troops to occupy the posts heretofore occupied by United States forces, between Red River and the Rio Grande, in order that the frontier of the State may be fully protected, and the people secured in their persons and property.

Read first time.

Mr. Norris moved to suspend the rule, and take up the resolution reported by the select Committee.

Carried.

Resolution taken up, read a second time, and ordered to be engrossed.

On motion of Mr. Norris, rule further suspended, resolution read a third time, and passed.

Mr. Lindsey, one of the select Committee to whom was referred certain resolutions, in regard to the raising of mounted volunteers for frontier defence, made following report:

Hon. W. M. Taylor, President, pro tem., of Convention:

Your special committee of five, to whom was referred a resolution in reference to raising mounted rangers for the protection of the frontier, have had the same under consideration, and instruct me to report the following ordinance, and recommend its adoption:

AN ORDINANCE,

Providing for the Protection of the Frontier.

Be it ordained by the people of the State of Texas in Convention assembled, That the Provisional Governor is hereby authorized to raise five companies of mounted rangers, consisting of seventy men each, rank and file, to serve for the term of four months, and to be raised as follows, and required to protect the immediate districts from which they are respectively raised:

The first company will be raised from the counties of Cooke, Montague, Wise, Jack, and Young; the second from the counties of Parker, Palo Pinto, Buchanan, Callahan, and Eastland; the third from the counties of Comanche, Brown, Coleman, San Saba, and McCulloch; the fourth from the counties of Menard, Mason, Llano, Gillespie, and Kimball; and the fifth from the counties of Kendall, Kerr, Bandera, Medina, Uvalde, and Frio: *Provided*, that the consent of the United States authorities shall be obtained, before said companies are organized.

Be it further ordained, That the Governor be requested to appoint one captain and two lieutenants, from each one of the districts above specified, whose duty it shall be to organize and command said companies, and that he be requested to take such other steps as may be necessary to carry into immediate effect the provisions of this ordinance.

It is further ordained, That the faith of the State is hereby pledged for the payment of all reasonable expenditures made on account of said companies, and that the first Legislature that meets be required to make provision for the payment of the same.

Received, to come up in order.

ORDERS OF THE DAY.

The question pending at the hour of the last adjournment, viz: the amendment of Mr. Norton to the 13th section of Art. IV, Judicial Department, again taken up.

And the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Hill, Johnson of Titus, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Norton, Norris, Parsons, Perry, Porter, Ranck, Record, Reeves, Richardson, Saunders, Saufley, Selman, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Walker, and Young—40.

Nays—Messrs. Bacon, Bradshaw, Bumpass, Davis of Webb, Degener, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Parker, Paschal, Phillips, Roberts, Runnels, Shepard, Shields, Taylor of Fannin, Thompson, Varnell, Waul, and Woods—30.

So the amendment was adopted.

Amendments being in order to Sec. 14, Mr. Ball offered to amend as follows:

SEC. 14. Amend, "the people shall elect a District Attorney," instead of, "the Governor shall nominate," &c., in 1st and 2d lines.

Mr. Saufley proposed to substitute Section 14 with the following:

There shall be a District Attorney for each Judicial District in the State, elected by the qualified electors of the district, who shall reside in the district for which he shall be elected; shall hold his office for four years, together with the perquisites prescribed by law; shall receive an annual salary of five hundred dollars, which shall not be increased or diminished during his term of office.

Mr. Davis of Webb moved to strike out "five hundred," in the substitute of Mr. Saufley, and insert "one thousand."

Adopted.

Mr. Norton moved to strike out "four," in the substitute, and insert "two."

On motion, laid on the table.

Mr. Hurt moved to strike out "four," and insert "six," in the substitute.

On motion, laid on the table.

Question recurring on the substitute as amended, the same was put, and the substitute adopted.

Mr. Hill offered a substitute for the 14th section.

Ruled out of order by the President.

Amendments being in order to Sec. 15, Mr. Norton offered to amend 4th line by striking out four, and insert two.

Lost.

Mr. Walker offered the following amendment:

Amend 2d line of 15th section by reading, after the word "court," as follows: "and there shall be elected by the qualified voters of the county or counties composing the County Court district, as hereinafter provided, a Judge of said court, who shall be a conservator of the peace; shall hold his office for four years, and shall receive an annual salary of not less than five hundred dollars, and such further compensation as may be prescribed by law; and who may be removed, &c."

Adopted.

Amendments to Sec. 16 being in order, Mr. Walker offered the following amendment:

Amend Sec. 16th by adding after the word "months," on 10th line, "and the Legislature shall form districts, composed of one or more counties, in which the Judge of said court shall hold the sessions thereof, at such times and places as may be provided by law. Adopted.

Mr. Degener moved to reconsider the vote adopting the amendment proposed by Mr. Walker to the 15th section.

Mr. Norton moved to lay the motion to reconsider on the table. Lost.

The question recurring on the motion to reconsider, it was carried.

Mr. Walker then asked leave of the Convention to withdraw his amendments to Sections 15 and 16.

Leave granted, and amendments withdrawn.

Amendments being in order to the 17th section, Mr. Norton moved to strike out four, in 2d line, and insert two.

On motion, laid on the table.

Mr. Beall moved to amend as follows:

Provided said commissioners shall be selected from different sections of the county.

On motion of Mr. Henderson, laid on the table.

Amendments being in order to the 18th section, Mr. Norton moved to strike out four, in line 2d, and insert two.

On motion of Mr. Camp of Goliad, laid on the table.

Amendments being in order to the 19th section, Mr. Norton moved to amend by striking out four, in the 4th line, and inserting two.

On motion, laid on the table.

Mr. Bacon moved to amend by striking out the word "appointed," in the 1st line, and inserting "elected."

Adopted.

Amendments being in order to section 21, Mr. Smith of Colorado offered the following amendment:

After the word "cases," in the 1st line, insert, "in which the right of trial by jury is secured by this Convention."

On motion, laid on the table.

Mr. Hill offered the following, as a substitute for Sec. 14:

Sec. 14. There shall be elected, by the qualified electors of each judicial district in the State, at the first general election for State and county officers, one District Attorney, who shall reside in the district for which he shall be elected; shall hold his office for four years, unless sooner vacated by death, resignation, or otherwise; in that event it shall be the duty of the Governor to immediately order an election, to fill said vacancy; and if the Governor shall fail to order such election within fifteen days after said office become vacant, then, and in that case it shall be the duty of the Chief Justice, who may be the returning officer of the district, to order said election; and together with the perquisites of the office, shall receive an annual salary of twelve hundred and fifty dollars, which shall not be increased or diminished during his term of office.

Substitute withdrawn.

Mr. Roberts offered the following amendment to 10th section:

Amend, by adding after the word, District Court, 2d line, the words, Attorney General and District Attorney, and by striking out the word and, in the 1st line.

Adopted.

Mr. Hancock offered the following as a substitute for the 21st section:

In all cases of law or equity, where the matters in controversy shall be valued at or exceed twenty dollars, the right of trial by jury shall be preserved.

Adopted.

Mr. Parsons offered the following amendment:

SEC. 13. Strike out all of the 3d line after the word receive, to the word which, in 4th line, and insert the words, "shall receive such salary as may be prescribed by law."

On motion, laid on the table.

Mr. Johnson of Titus moved to reconsider the vote fixing the salaries of Supreme and District Judges.

On motion laid on the table.

Mr. Varnell offered the following as an additional Section:

SEC. 22. All vacancies occurring in any office created under this Constitution, and not otherwise provided for, and for which the term of office is fixed at a certain term of years, the vacancy shall be filled by the successor, for the unexpired term of the former incumbent.

Mr. Slaughter moved the previous question.

Seconded.

The question being shall the main question be now put, the same was submitted, and the main question was ordered.

The main question, which was the engrossment of the article, being put, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, Murchison, Norris, Parker, Paschal, Phillips, Record, Richardson, Roberts, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul and Woods—43.

Nays—Messrs. Allen, Armstrong, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Drake, Flanagan, Hurt, Johnson of Titus, Latimer, Middleton, Norton, Parsons, Perry, Porter, Ranck, Reeves, Runnels, Saunders, Saufley, Selman, Shuford, Shaw, Taylor of Fannin and Young—27.

So the article was ordered to be engrossed.

Mr. Henderson moved to suspend the rule, and take up the report of the committee on the Executive Department.

Prevailed.

Report and ordinance taken up.

On motion the rule was suspended, and the ordinance taken up section by section.

Amendments being in order to Section 4,

Mr. Norton proposed to substitute for the amendments of the committee the 4th section of the 5th article of the Constitution of 1845, and the question being on the adoption of said substitute, n motion to lay the same on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Beall, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, Lindsey, Mabry, Murchison, Norris, Parker, Paschal, Phillips, Porter, Record, Roberts, Runnels, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thompson, Varnell, Waul and Woods—42.

Nays—Messrs. Allen, Armstrong, Ball, Benge, Bradshaw, Bumpass, Dalrymple, Flanagan, Hart, Johnson of Titus, Jones of Bexar, Middleton, Norton, Parsons, Perry, Ranck, Reeves, Richardson, Saunders, Saufley, Shields, Shuford, Thomas of Cameron, Walker and Young—25.

Mr. Davis of Cherokee proposed to amend thus:

After the words six years, in 3d line in 4th section, insert "and shall be installed the second week of the session of the Legislature, succeeding his election."

Mr. Paschal offered the following substitute for Mr. Davis of Cherokee's amendment:

That the Governor elect shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

Adopted.

Mr. Giddings offered the following amendment:

Strike out the word three, in the last line, and insert six.

Mr. Norton moved to lay the proposed amendment on the table. Lost.

Question recurring on the adoption of the amendment of Mr. Giddings,

On motion, the question was divided.

The motion to strike out three, on being submitted to the House, prevailed.

Mr. Gentry moved to fill with six.

Mr. Davis of Webb moved to fill blank with five.

The question being first submitted on the motion of Mr. Gentry to fill with six, and the Yeas and Nays being called for, stood as follows:

Yeas—Messrs. Allen, Armstrong, Ball, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Giddings, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Mabry, Norris, Parsons, Porter, Record, Richardson, Roberts, Saufley, Selman, Shepard, Slaughter, Smith of Lamar, Thompson and Woods—32.

Nays—Messrs. Anderson, Davis of Webb, Degener, Flanagan, Hurt, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Middleton, Murchison, Norton, Parker, Paschal, Perry, Phillips, Ranck, Reeves, Saunders, Shields, Shuford, Shaw, Smith of Colorado, Thomas of Cameron, Varnell, Walker, Waul and Young—31.

So the motion of Mr. Gentry prevailed.

On motion of Mr. Mabry, Mr. Randolph was excused indefinitely, because of indisposition.

On motion, the Convention adjourned till 3 o'clock.

3 O'CLOCK, P. M.

Convention met; roll called; quorum present.

Mr. Davis of Cherokee moved a reconsideration of the vote ordering the engrossment of Article IV, Judicial Department, as reported by the Judiciary Committee.

Mr. Phillips moved a call of the House.

Call ordered.

On motion of Mr. Henderson, call suspended.

On motion of Mr. Henderson, the motion to reconsider was laid on the table.

The question under consideration at the hour of the last adjournment, viz: Article V, Executive Department, again taken up.

Amendments being in order to Section 5,

Mr. Varnell offered to amend as follows:

Strike out the words three thousand, and insert the words four thousand five hundred.

Mr. Norton moved to lay the amendment on the table. Lost.

The question recurring on the adoption of Mr. Varnell's amendment,

On motion of Mr. Giddings, a division of the question was granted.

And the question being first shall the words three thousand be stricken out, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Bacon, Ball, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Giddings, Gurley, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, Murchison, Norris, Paschal, Phillips, Roberts, Runnels, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thompson, Varnell, Walker, Waul and Woods —34.

Nays—Messrs. Anderson, Armstrong, Benge, Bumpass, Davis of Cherokee, Drake, Flanagan, Johnson of Titus, Middleton, Nelson, Norton, Perry, Reeves, Richardson, Saunders, Shaw, Smith of Lamar, Thomas of Cameron and Young—19.

So the motion prevailed.

The question recurring on the latter part of the motion, to fill with four thousand five hundred,

Mr. Davis of Webb moved to fill with five thousand.

The question being on the motion of Mr. Davis of Webb, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Davis of Webb, Degener, Giddings, Gurley, Henderson, Johnson of Tarrant, Ledbetter, Murchison, Paschal, Roberts, Shepard and Thompson—12.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hill, Hunt, Hurt, Johnson of Titus, Jones of Bexar, Latimer, Lindsey, Middleton, Nelson, Norton, Norris, Perry, Phillips, Reeves, Richardson, Runnels, Saunders, Saufley, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker, Waul, Woods and Young—44.

So the House refused to fill with five thousand.

The question recurring on the motion of Mr. Varnell to fill with four thousand five hundred, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Ball, Bradshaw, Camp of Goliad, Davis of Webb, Degener, Giddings, Gurley, Henderson, Hunt, Hurt, Johnson of Tarrant, Ledbetter, Lindsey, Murchison, Norris, Paschal, Phillips, Roberts, Shepard, Thompson, Varnell, Waul and Woods—23.

Nays—Messrs. Allen, Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hill, Johnson of Titus, Jones of Bexar, Latimer, Middleton, Nelson, Norton, Parsons, Perry, Reeves, Richardson, Runnels, Saunders, Saufley, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Walker and Young—34.

So the House refused to insert four thousand five hundred.

On motion of Mr. Saufley, the blank was filled with four thousand.

Amendments being in order to Section 8,

The amendment proposed by the committee adopted.

Amendments being in order to Section 23,

Mr. Henderson proposed to amend as follows:

Insert after years, in third line, and in case of a vacancy in either of said offices, the Governor shall have power to fill the same by appointment, which shall continue in force until the office can be filled at the next general election for State and County officers, and the successor duly qualified.

Adopted.

Mr. Henderson proposed to further amend as follows:

Strike out all after the word years, in the third line.

Adopted.

Mr. Shepard proposed to amend 17th section of the Constitution, Article V, as follows:

The Governor may approve any appropriation and disapprove any other appropriation, in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated: and the same proceedings shall then be had as in the case of other bills disapproved by the Governor.

Mr. Smith of Colorado, offered to amend Section 17 as follows:

Strike out the word one, and insert two, in the 4th line from the close of the article, and add to the end of the article,

"All bills presented to him within two days after adjournment, and approved by him within two days thereafter, shall become a law, and have the same force and effect as if signed by him before the adjournment."

By leave, Mr. Smith of Colorado withdrew his amendment.

Mr. Shepard amended his amendment so that it should read as follows:

"The Governor may approve any appropriation, and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in the case of other bills disapproved by the Governor; but if the Legislature has adjourned before the bill is returned to the house, he shall return the same to the Secretary of State, with his objections, and also to the next session of the Legislature."

Adopted.

The question being on the engrossment of the Article as amended, the same was put, and the Article was ordered to be engrossed.

On motion of Mr. Henderson, rule suspended, and Article taken up.

On motion of Mr. Mabry, the vote suspending the rule was reconsidered.

The question recurring on the motion of Mr. Henderson, to suspend the rule, was put and lost.

Mr. Mabry moved to take up an ordinance validating the formation of counties with an area of less than 900 square miles.

Lost.

An ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, taken up.

Mr. Bradshaw moved to postpone the ordinance till Saturday at 11 o'clock.

Lost.

On motion of Mr. Hancock, ordinance postponed till to-morrow at 11 o'clock, for which hour it was made the special order.

On motion, the rule was suspended, and Mr. Selman offered the following resolution:

Resolved, That the committee on Printing be respectfully requested to make such arrangements as will place in the hands of the Delegates present ten printed copies of all the ordinances passed by this Convention, on or by the first day after its adjournment.

Adopted.

Preamble and resolutions in regard to Union Pacific and South West Branch Railroad taken up.

Mr. Waul moved to postpone indefinitely.

Mr. Beall moved the previous question.

Seconded.

The question being, Shall the main question be now put? and the same being submitted, the main question was ordered.

The main question, which was the adoption of the resolution, being put, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Allen, Anderson, Bacon, Ball, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Latimer, Ledbetter, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Paschal, Porter, Record, Reeves, Saufley, Shields, Slaughter, Smith of Colorado, Smith of Lamar, and Woods—42.

Nays—Messrs. Bradshaw, Parsons, Perry, Phillips, Roberts, Waul, and Young—7.

So the resolution was adopted.

On motion, the Convention adjourned till 9½ o'clock to-morrow morning.

THURSDAY, March 22d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Henderson, chairman of committee on Legislative Department, made following report:

Hon. Wm. M. Taylor, President pro tem. of the Convention:

The committee on Legislative Department, to whom was referred a resolution of instruction to apportion the State into four Congressional Districts, have instructed me to report the following ordinance, and recommend its passage:

SEC. 1. *Be it ordained by the people of Texas, in Convention assembled,* That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law.

SEC. 2. The First District shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers and Polk.

The Second Congressional District shall consist of Davis, Marion, Bowie, Upshur, Titus, Red River, Lamar, Hopkins, Wood, Van Zandt, Kaufman, Hunt, Fannin, Grayson, Collin, Dallas, Tarrant, Denton, Cook, Montague, Wise, Parker, Palo

Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskel, Jones, Shackleford, Stephens, Johnson and Ellis.

The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Bosque, Coryelle, Hill, Navarro, Matagorda, Wharton and Erath.

And the Fourth Congressional District shall be composed of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Menard, Kimball, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadaloupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Dawson, Zavalla, Frio, Dimmitt, Lasalle, McMullen, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick and El Paso.

Report received, to come up in order, and the ordinance read first time.

Mr. Hart, one of the committee on Finance, made following report:

COMMITTEE ROOM, March 21st, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred a resolution in regard to paying the officers of the Provisional Government, have had the same under consideration, and have instructed me to report it back to the Convention, and say they deem it inexpedient to express an opinion on the subject, and ask to be discharged from the further consideration of the subject,

Report received, to come up in order.

Mr. Thompson, one of the committee on Engrossed and Enrolled Ordinances, made following report:

COMMITTEE ROOM, March 21st, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Engrossed and Enrolled Ordinances instruct me to report that they have examined the preamble and resolutions in regard to the frontier of the State, and found it correctly enrolled and signed.

Received, and adopted.

Mr. Shuford, one of the committee on Enrolled and Engrossed Ordinances, made following report:

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Engrossed Bills have examined, and found correctly engrossed, Article IV, Judicial Department.

Received, and adopted.

Mr. Porter offered the following resolution:

Resolved, That the Convention elect, by ballot, five persons whose duty it shall be to repair to the City of Washington, and present to the President all the ordinances of a general character that have been or may hereafter be adopted by the Convention, and endeavor to impress upon the national authorities the loyal and pacific disposition of the people of the State of Texas.

On motion of Mr. Taylor of Fannin, resolution postponed till to-morrow at 10 o'clock, for which hour it was made the special order.

Mr. Gentry introduced ordinance as follows:

AN ORDINANCE,

To Establish Two Branch Penitentiaries.

SEC. 1. *Be it ordained by the people of the State of Texas in Convention assembled*, That the Legislature shall provide for the establishment of two branch penitentiaries, one to be located at or near the town of Jefferson, in Marion county, the other at or near the city of San Antonio.

SEC. 2. The said penitentiaries to be managed by such officers, and under such regulations, as may be hereafter prescribed by law.

Read first time, and referred to committee on General Provisions Constitution.

Mr. Roberts offered following resolution:

Resolved, That a select committee, to be composed of one delegate from each one of the twenty Judicial Districts, be appointed, who shall, as soon as practicable, inquire into the propriety of dividing the State into Judicial Districts, and fix the times of holding courts therein, so as to reduce the number of districts, and who shall report by ordinance, or otherwise.

Adopted.

In execution of said resolution, the President appointed following committee:

Mr. Roberts, chairman, 9th district: Messrs. Phillips, 10th district; Smith of Colorado, 1st district; Norris, 19th district; Lindsey, 20th district; Henderson, 7th district; Walker, 5th district; Young, 17th district; Mabry, 8th district; Parker, 12th district; Camp of Goliad, 14th district; Camp of Upshur, 7th district; Hancock, 2d district; Giddings, 3d district; Paschal, 4th district; Middleton, 13th district; Ball, 16th district; Slaughter, 15th district; Bacon, 11th district; Jones of Bexar, 18th district.

Mr. Hancock, chairman of the committee on General Provisions of the Constitution, by leave, made the following report:

COMMITTEE ROOM, March 22d, 1866.

Hon. Wm. M. Taylor, President pro tem., of Convention:

The committee on General Provisions of the Constitution, to whom was referred a resolution instructing them to inquire into the expediency of requiring the Legislature to pass a general act of incorporation, conferring the right to grant charters upon the District Courts, have had the same under consideration, and beg leave to report the following, as the result of their deliberations, and to stand as a substitute for Section 31, Article VII, of the General Provisions:

ARTICLE VII.

SEC. 31. No private corporation shall be created by the Legislature, except for municipal, charitable or educational purposes, and it shall be the duty of the Legislature to provide by a general law for the creation of corporations for all other purposes.

Passed to orders of the day.

Mr. Shepard offered following resolution:

Resolved, That Blucher Hutchins, Page, receive the same pay for his services in the Hall as the Assistant Sergeant-at-Arms, for the time he has served in the Convention as such.

Adopted.

ORDERS OF THE DAY.

Mr. Slaughter moved to suspend the rule, and take up an ordinance out of its order. Lost.

The report of the committee on General Provisions, on a resolution regarding the division of the State into Congressional Districts, taken up.

Mr. Henderson moved to substitute for said report the report of the Legislative Committee on the same subject, made this morning.

Mr. Runnels made the point of order that the motion of Mr. Henderson was not in order, because if the motion is successful it gives premature consideration to the report of the Legislative Committee.

The Chair ruled the motion of Mr. Henderson to be in order.

Mr. Runnels appealed from the decision of the Chair.

The question being shall the decision of the Chair be sustained, and being put, the Chair was sustained.

The question recurring on the motion of Mr. Henderson to substitute,

Mr. Johnson of Tarrant moved to lay the motion of Mr. Henderson on the table.

The hour having arrived for the consideration of the special order of the day, viz: An ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, taken up.

By leave, Mr. Mabry made following report:

COMMITTEE ROOM, March 21st, 1866.

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on General Provisions, to which was referred "an ordinance requiring the Attorney General of the State to bring certain suits, &c.," have had the same under consideration, and direct me to report the following substitute therefor, and recommend its passage:

AN ORDINANCE.

Be it ordained by the people of the State of Texas, in Convention assembled, That it shall be the duty of the Attorney General of the State to bring suits in the District Court of Travis county against any and all persons who have received and appropriated to their own use United States Bonds, or other property, belonging to the State of Texas, under contracts, real or pretended, with the Military Board or other authority of the State, wherein damage has resulted or cause of action accrued to the State, by reason of a failure of such person or persons to comply with such contracts, for the recovery of any and all such bonds, or other property, or the value thereof, as under the rules of law and equity may be due and recoverable.

The Attorney General shall also institute suits in the same court against any and all persons who have drawn money from the treasury of the State, since the 5th day of August, 1865, for services, real or pretended, rendered since the 28th day of January, 1861, and prior to the 5th day of August, 1865, and recover the same, unless the party or parties who received the same can show some special equity which entitles him or them to retain the same contrary to the provisions of the ordinance passed by this Convention, making null and void the debt contracted by the State during the late civil war; and to secure the recovery of such bonds, or other property, or the payment therefor, and for the recovery of such money as has been obtained as above set forth, a lien is hereby created on all the property, real and personal, of all such persons as may be found legally liable under the provisions of this ordinance.

Read first time, and passed to orders of the day.

The question recurring on the special order of the day,

Mr. Reeves offered to amend 1st section as follows:

By adding the following after the word Convention, in 5th line: And not in conflict with the Governor's proclamation opening the courts, and authorizing the institution of suits.

The question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Giddings, Gentry, Hancock, Hart, Henderson, Hill, Hunt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, McCormack, Middleton, Murchison, Parker, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Shepard, Shields, Shaw, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—52.

Nays—Messrs. Camp of Upshur, Flanagan, Norton, Parsons and Runnels—5.

So the amendment was adopted.

Mr. Henderson moved to amend the 1st line, 2d section, as follows:

Insert State and County, before officers.

Mr. Hart moved to lay said amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Davis of Webb, Degener, Drake, Flanagan, Hart, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Norris, Parsons, Paschal, Perry, Phillips, Richardson, Shields, Smith of Colorado, Taylor of Fannin, Thomas of Cameron and Varnell—32.

Nays—Messrs. Allen, Beall, Benge, Bradshaw, Camp of Upshur, Davis of Cherokee, Giddings, Gurley, Hancock, Henderson, Mabry, Parker, Porter, Record, Reeves, Saunders, Shepard, Shaw, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, Woods and Young—26.

So the amendment was laid on the table.

Mr. Davis of Webb offered to amend as follows:

Insert after word that, in 2d line, the Legislature of this State shall at its first session designate by title and section, and in 5th line, strike out from "one" to word "State," in 6th line, inclusive, and substitute and may declare all such laws and parts of laws to be in full force as laws of this State, and all laws and parts of laws which may not be so designated shall be declared null and void.

Mr. Slaughter moved to lay said amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Ball, Beall, Benge, Bradshaw, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Henderson, Hill, Hunt, Johnson of Tarrant, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Parsons, Paschal, Perry, Phillips, Porter, Reeves, Richardson, Roberts, Saunders, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—44.

Nays—Messrs. Armstrong, Bacon, Davis of Webb, Degener, Flanagan, Hancock, Hart, Latimer, McCormack, Murchison, Norton, Parker and Young—13.

So the amendment was laid on the table.

Mr. McCormack offered to amend as follows:

Sec. 2. After the word State, in 3d line, insert and proclamations of said Provisional Governor.

Lost.

Mr. Davis of Webb offered to amend as follows:

Strike out all after the word and, in 6th line, 1st section.

On motion of Mr. Parsons, proposed amendment laid on the table.

Mr. Gurley offered to amend as follows:

Strike out the words or as amended by this Convention, in the 5th, 9th and 10th lines, Section 1.

Adopted.

Mr. Hancock offered to amend as follows, to be added at the end of Section 1:

And, *further, provided*, that the right of the State to recover any United States bonds, or the value thereof, money or property of any description, which may have been obtained under contracts or pretended contracts, or otherwise improperly obtained, shall not be prejudiced by anything in this ordinance contained, nor shall any judgment rendered on service by publication, or any interlocutory judgment, be rendered legal and valid by this ordinance; nor shall the action of the Probate Courts be rendered valid and binding otherwise than such action has been conformable to the laws in force prior to the 28th of January, 1861, except payment of taxes under the laws in force at the time of such payments, and the collection and payment of debts which shall be adjusted according to equity and justice, under the laws and authorities in force at the time of such collections and payments. And, *further*, *provided*, that no sale for taxes shall be made valid by this ordinance, but all such tax sales are hereby annulled.

The subject under consideration being Mr. Hancock's amendment,

Mr. Smith of Colorado, having the floor, was called to order by the President, under the ten minutes rule, and the question being shall the gentleman be allowed to proceed, it was put, and leave granted.

The question recurring on the adoption of the amendment of Mr. Hancock,

Mr. Taylor of Fannin moved to commit the original ordinance and proposed amendment to the Judiciary Committee, with instructions to report as soon as practicable, and that the report so made be made the special order of the day for 10 o'clock on Saturday.

Mr. Thompson, from committee on Engrossed and Enrolled Ordinances, made following report:

COMMITTEE ROOM, March 22d, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Engrossed and Enrolled Ordinances instruct me to report that Article V is correctly engrossed.

Received, and adopted.

Question recurring on the motion of Mr. Taylor, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hancock, Hart, Hill, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Jones of Bexar, Lane, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norton, Parker, Paschal, Perry, Ranck, Reeves, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker, Waul, Woods and Young—45.

Nays—Messrs. Ball, Beall, Camp of Upshur, Gentry, Giddings, Gurley, Henderson, Hunt, Norris, Parsons, Phillips, Record, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Smith of Colorado, Taylor of Houston and Whitfield—21.

So motion prevailed.

On motion, the Convention adjourned till 7½ o'clock, to-night.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment; roll called; quorum present.

The Convention proceeded to the consideration of the resolution of Mr. Johnson of Tarrant, to lay on the table the motion of Mr. Henderson to substitute the report of the committee on Legislative Department, touching the division of the State into Congressional districts, for the report of the committee on General Provisions, made on the same subject.

Motion withdrawn by Mr. Johnson.

Question recurring on the motion to substitute,

Mr. Johnson of Tarrant again renewed his motion to lay the substitute on the table, on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Benge, Bradshaw, Giddings, Hancock, Hart, Hurt, Johnson of Tarrant, Jones of Bastrop, Parsons, Record, Roberts, Saunders, Saufley, Shields, Smith of Colorado, Taylor of Houston, and Whitfield—20.

Nays—Messrs. Allen, Bacon, Ball, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Henderson, Hill, Johnson of Titus, Jones of Bexar, Lane, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Paschal, Perry, Phillips, Porter, Shuford, Slaughter, Smith of Lamar, Taylor of Fannin, Thompson, Varnell, Walker, Waul, Woods, and Young—38.

The Convention refused to lay the motion of Mr. Henderson on the table.

The question recurring on the adoption of the substitute, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Bacon, Ball, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Henderson, McCormack, Murchison, Norton, Norris, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Runnels, Saunders, Shuford, Smith of Lamar, Taylor of Fannin, Tyus, Varnell, and Waul—28.

Nays—Messrs. Allen, Anderson, Armstrong, Benge, Bradshaw, Camp of Goliad, Giddings, Hancock, Hart, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, Nelson, Parsons, Record, Roberts, Saufley, Selman, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thompson, Walker, Whitfield, and Young—31.

So the Convention refused to adopt the substitute.

The question being on the adoption of the report of the committee, Mr. Davis of Cherokee moved to lay the report on the table, on which the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Allen, Armstrong, Bacon, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Henderson, Jones of Bexar, Lane, Lindsey, McCormack, Murchison, Nelson, Norton, Paschal, Perry, Phillips, Ranck, Reeves, Runnels, Saufley, Shuford, Slaughter, Taylor of Fannin, Thompson, Tyus, Varnell, Walker, and Waul—34.

Nays—Messrs. Anderson, Ball, Benge, Bradshaw, Giddings, Hancock, Hart, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bastrop, Ledbetter, Mabry, Middleton, Norris, Parsons, Record, Roberts, Saunders, Selman, Shepard, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Whitfield, and Young—27.

So the report of the committee was tabled.

Article X, Judicial Department, taken up, and placed on its third and final reading.

Amendments being in order, Mr. Davis of Webb proposed to amend as follows:

Sec. 1. On 4th and 5th lines strike out the words "five hundred."

Sec. 5. On 4th line strike out the words "five hundred."

Mr. Record offered the following as a substitute for the amendment of Mr. Davis of Webb:

In Sec. 2d, 4th and 5th lines, strike out four thousand five hundred, and insert three thousand; and in Sec. 5, 4th line, strike out three thousand five hundred, and insert two thousand two hundred and fifty.

On motion of Mr. Hurt, the substitute of Mr. Record was laid on the table by the following vote:

Yeas—Messrs. Armstrong, Ball, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Gentry, Giddings, Hancock, Henderson, Hurt, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Nelson, Norris, Paschal, Perry, Reeves, Roberts, Shepard, Smith of Colorado, Thompson, Tyus, Varnell, Walker, and Waul—33.

Nays—Messrs. Anderson, Benge, Dalrymple, Flanagan, Johnson of Tarrant, Johnson of Titus, Middleton, Norton, Parsons, Phillips, Record, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Smith of Lamar, Whitfield, and Young—20.

Mr. Norton offered the following amendment:

Strike out all after the words, "and at," and insert, Tyler, in Smith county, and Houston, in Harris county.

Mr. Henderson moved the previous question. Seconded.

The question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Benge, Bradshaw, Camp of Goliad, Degener, Gentry, Giddings, Hancock, Henderson, Lane, Ledbetter, Mabry, McCormack, Murchison, Norris, Smith of Colorado, Thompson, Varnell, and Walker—21.

Nays—Messrs. Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Flanagan, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Middleton, Nelson, Norton, Parsons, Paschal, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Selman, Shepard, Shields, Shuford, Smith of Lamar, Taylor of Houston, Tyus, Waul, Whitfield, and Young—32.

So the Convention refused to order the main question.

The question recurring on the amendment of Mr. Davis of Webb, on motion, a division of the question was granted, and being taken up first on the motion to strike out the words five hundred, in second section, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Benge, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Flanagan, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Middleton, Nelson, Norton, Parsons, Perry, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shields, Shuford, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield, and Young—31.

Nays—Messrs. Ball, Camp of Goliad, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ledbetter, Mabry, McCormack, Murchison, Norris, Paschal, Phillips, Shepard, Smith of Colorado, Thompson, and Varnell—20.

So the Convention refused to adopt the amendment.

Mr. Mabry offered to amend as follows:

Provided, that the salaries of the Judges of the District Courts in the districts in which the Judges are employed in the duties of holding courts less than thirty-two weeks, shall be only twenty-five hundred dollars, and those holding courts only twenty weeks, fifteen hundred dollars.

On motion to lay said amendment on the table, by Mr. Camp of Goliad, the Yeas and Nays were called for, and stood thus:

Yeas—Messrs. Bradshaw, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Flanagan, Giddings, Hancock, Henderson, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Murchison, Norris, Parsons, Paschal, Perry, Phillips, Runnels, Selman, Shepard, Shields, Smith of Colorado, Tyus, Varnell, Walker, and Waul—30.

Nays—Messrs. Anderson, Ball, Benge, Davis of Cherokee, Gentry, Johnson of Titus, Mabry, Middleton, Nelson, Norton, Record, Reeves, Roberts, Saunders, Saufley, Smith of Lamar, Taylor of Houston, Thompson, Whitfield, and Young—20.

So the motion prevailed.

Mr. Mabry moved to adjourn till 9½ o'clock to-morrow.

Lost.

The question recurring on the 2d division of the motion of Mr. Davis of Webb, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Benge, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Flanagan, Johnson of Titus, Jones of Bexar, Middleton, Norton, Parsons, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shields, Shuford, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield, and Young—29.

Nays—Messrs. Ball, Camp of Goliad, Degener, Gentry, Giddings, Hancock, Henderson, Hurt, Johnson of Tarrant, Ledbetter, Mabry, McCormack, Murchison, Norris, Paschal, Shepard, Smith of Colorado, Thompson, and Varnell—19.

So the Convention refused to adopt the amendment.

Mr. Davis of Webb moved to adjourn till to-morrow, at 9½ o'clock.

Carried by the following vote:

Yeas—Messrs. Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Hancock, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, Murchison, Nelson, Norris, Parsons, Paschal, Perry, Porter, Record, Reeves, Saunders, Saufley, Selman, Shepard, Shields, Smith of Lamar, and Whitfield—27.

Nays—Messrs. Anderson, Ball, Degener, Flanagan, Gentry, Giddings, Henderson, Hurt, Johnson of Titus, Mabry, McCormack, Middleton, Norton, Phillips, Roberts, Runnels, Shuford, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Varnell, Walker, and Waul—24.

FRIDAY, March 23d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

The committee on Enrolled and Engrossed Ordinances made the following report:

COMMITTEE ROOM, March 23, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Enrolled and Engrossed Ordinances instruct me to report the preamble and resolutions in regard to the Railroads correctly engrossed.

WELLS THOMPSON, One of Committee.

Accepted.

The resolution of Mr. Porter, to elect Commissioners to proceed to Washington City, was taken up.

Mr. Davis of Cherokee offered the following amendment:

Strike out Convention shall elect by ballot, and insert President pro tem. of Convention shall appoint.

Lost.

Mr. Tyus moved to strike out "five," and insert "three."

Mr. Flanagan proposed to amend: Provided each delegate shall pay his own expenses.

Mr. Armstrong moved to lay the resolution and amendments on the table.

Mr. Armstrong withdrew his motion to lay on the table, and to make it special order for Tuesday next at 11 o'clock; on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hunt, Hurt, Johnson of Tarrant, Johnson of Titus, Jones of Bexar, Latimer, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norris, Parker, Paschal, Ranck, Record, Reeves, Saunders, Selman, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Woods and Young—51.

Nays—Messrs. Anderson, Bradshaw, Hill, Jones of Bastrop, Norton, Perry, Phillips, Porter, Richardson, Runnels, Saufley, Slaughter, Taylor of Fannin, Thomas of Cameron, Thompson and Waul—16.

So the subject was postponed.

Mr. Flanagan, in behalf of the Finance Committee, made the following report:

Hon. W. M. Taylor, President, pro tem., of the Convention:

The committee on Finance, to whom was referred the accounts of W. A. Smith, Mrs. Julia A. Smith, and Miss Mary E. Smith, for services rendered as Teachers in the Blind and Dumb Asylums, together with accompanying ordinance, have had the same under consideration, and instruct me to report the following ordinance as a substitute therefor, and recommend its passage by the Convention:

AN ORDINANCE.

Be it Ordained, That the sum of twenty-eight hundred dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the claim of W. A. Smith, Mrs. Julia A. Smith and Miss Mary E. Smith, for services rendered as teachers in the Blind Asylum; said amount to be paid upon presentation to the treasurer of vouchers properly authenticated.

Read first time, and passed to orders of the day.

Mr. Henderson moved to suspend the rule, and take up the report.

Lost.

Mr. Bacon, in behalf of the committee on Finance, made the following report:

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred the subject of the payment of troops called into the service of the State by Governor Houston, for frontier protection, prior to the 28th day of January, 1861, have had the same under consideration, and find, from the Comptroller's reports, that there is now due for said service on the pay rolls of said troops, the sum of three thousand one hundred and fifty-eight dollars, and seventy-four cents, ($3,158 74,) for which no Warrants have ever been drawn, and the majority of said committee instruct me to report the accompanying ordinance for the payment of said sum, with the recommendation that it pass:

AN ORDINANCE,

For the Payment of Troops called into the services of the State of Texas by Governor Houston, for Frontier Protection, prior to the 28th day of January, 1861.

Be it ordained by the people of the State of Texas in Convention assembled, That the sum of three thousand one hundred and fifty-eight dollars and seventy-four cents, due on the pay rolls of said troops, be paid by the proper officer to the persons entitled to the same, or to their legal representatives, out of any money in the Treasury not otherwise appropriated.

Read, and passed to its order.

Mr. Bumpass, in behalf of the Finance Committee, made the following report:

Hon. Wm. M. Taylor, President pro tem. of the Convention:

Your committee, to whom was referred a resolution in regard to paying General Sam Houston's salary, as Governor, for the term for which he was constitutionally elected, in view of the eminent services rendered our State by him, and, as a testimonial of respect to his memory, ask that the accompanying resolution be unanimously adopted by this Convention:

Resolved, That His Excellency, A. J. Hamilton, Provisional Governor of this State, be requested to cause to be paid out of any moneys now in the Treasury of this State, not otherwise appropriated, to the widow of General Sam Houston, the sum of nineteen hundred and twenty-five dollars, ($1,925,) the amount due him as Governor elect of the State for the full term for which he was elected.

Read first time, and passed to the orders of the day.

Mr. Bradshaw introduced the following ordinance:

AN ORDINANCE.

We, the people of Texas, by Delegates in Convention assembled, do ordain and declare the following Acts, to wit: An Act authorizing the Comptroller of the State to receive from Railroad Companies, in this State, the interest that may be now due, or hereafter become due, on their bonds, approved Dec. 16th, 1863; An Act amending an act authorizing the Comptroller of the State to receive from Railroad Companies, in this State, the interest that may be now due, or hereafter become due, on their bonds, approved May 28th, 1864; An Act to authorize Railroad Companies to discharge their indebtedness to the special school fund, with the treasury warrants, bonds and coupons of the State, approved Nov. 15th, 1864; to be unconstitutional, null and void ab initio; and that all payments made under said acts are, in legal contemplation, void; and that the amount said companies owed the State of Texas prior to the 1st day of February, 1861, is yet a legal, valid, subsisting debt against said Companies in favor of the State.

Referred to Judiciary Committee, on motion of Mr. Hancock.

Mr. Taylor of Fannin offered the following ordinanec:

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of the next Legislature.

Referred, after reading first time, to Finance Committee.

Mr. Hill offered the following resolution:

Resolved, That the Sergeant-at-Arms be required to take charge of all the Digests, stationery, stamps, water buckets, and other material purchased for the use of the Convention, and turn the same over to the Secretary of State after the adjournment of this Convention.

Adopted.

Mr. Parsons presented the memorial of Mr. S. B. Buckley, which was referred to committee on Finance.

Mr. Parsons introduced the following ordinance:

AN ORDINANCE,

Giving further time for the redemption of Lands sold for Taxes.

Be it ordained by the Delegates of the people of Texas in Convention assembled, That the owners of all lands sold for taxes since the 1st day of February, 1861, shall have two years from the passage of this ordinance to redeem the same, by paying to the State, where such lands have been purchased by the State, the amount of taxes due upon the same; and where such lands have been purchased by individuals, by paying to such individual the amount of money paid for such lands, with ten per cent. interest on said amount from the date of purchase.

Read first time, and referred to committee on Condition of the State.

On motion of Mr. Camp of Goliad, the vote adopting the resolution in regard to Blucher Hutchins, page, &c., was reconsidered.

Mr. Camp of Goliad then offered the following resolution:

That it is the sense of this body that the porters receive three dollars per day for their services.

Mr. Parker moved to strike out three, and insert five, in the resolution.

On motion of Mr. Hancock, the whole matter was referred to committee on Contingent Expenses.

Mr. Hart introduced the following ordinance:

Resolved by this Convention, That an additional sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the mileage and per diem pay of the members and officers of this Convention.

Read a first time.

Rule suspended, ordinance taken up, read a second time, and ordered to be engrossed.

Rule further suspended, ordinance passed.

On motion of Mr. Henderson, the Convention proceeded to the

ORDERS OF THE DAY.

Article IV, Judicial Department; taken up, and the question pending at the hour of the last adjournment, viz:

The amendment of Mr. Norton to strike out all after the words "and at," in the 3d section, and insert, Tyler, in Smith county, and Houston, in Harris county, proceeded with.

Mr. Record proposed to amend the amendment of Mr. Norton, by striking out Tyler, in Smith county, and inserting Dallas, in Dallas county.

Mr. Waul moved to lay the amendments on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Giddings, Gurley, Hancock, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Latimer, Ledbetter, Lindsey, McCormack, Nelson, Parker, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Varnell, Walker, Waul, and Woods—48.

Nays—Messrs. Armstrong, Benge, Davis of Cherokee, Flanagan, Gentry, Henderson, Mabry, Norton, Norris, Parsons, Record, Saunders, Saufley, Selman, and Whitfield—15.

The motion prevailed.

Mr. Paschal offered the following as a substitute for Sec. 10, ArticleI V: The District Court shall have exclusive original jurisdiction of all criminal cases not within the jurisdiction of special Criminal Courts, and Justices of the Peace of all civil cases, of all suits, complaints and pleas whatever, where the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; of all suits in behalf of the State, to recover penalties for forfeitures and escheats, and of all cases of divorce; and the trial of all cases in the District Court shall be without regard to any distinction between law and equity; and the said Courts, or the Judges thereof, shall have power to issue all writs necessary to enforce their own jurisdiction, and to give them a general superintendence over inferior jurisdictions; and in the trial of all criminal cases, the jury trying the same shall find and assess the amount of the fine to be inflicted, or fine imposed, except in capital cases, and where the punishment or fine imposed shall be specifically imposed by law; and the Legislature may require sessions of the District Courts to be held in populous counties, for the trial of special or general business, not exceeding four times each year.

The question being on the adoption of the substitute, and Mr. Parsons having the floor, was called to order by the President under the ten minute rule, and the question being, shall the gentleman proceed, and being put, the leave was granted.

By leave, Mr. Paschal withdrew his substitute.

Mr. Bumpass offered the following as a substitute for the whole Article:

Substitute the 4th article of the old Constitution of 1845 for the proposed amendment, with the following amendment: in old Constitution, in Sec. 2, insert after the word Chief Justice, in first line, "four associates, with equal salaries."

Mr. Walker proposed to amend 2d paragraph of Sec. 1st by inserting after the word "State," and in lieu of the words, "with such jurisdiction," the following: with such criminal jurisdiction, co-extensive with the limits of the county wherein such city may be situated.

Adopted.

Mr. Whitfield moved to amend as follows:

Amend the 5th section: third line, strike out ten years, and insert four; fourth line, strike out three thousand five hundred, and insert two thousand five hundred.

Mr. Record moved the previous question. Seconded.

The question being shall the main question be now put, and being submitted, was ordered.

The main question being the passage of the Article, and the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Bacon, Ball, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Jones of Bastrop, Ledbetter, Lindsey, Mabry, McCormack, Murchison, Norris, Parker, Paschal, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Varnell, Walker, Waul, and Woods—38.

Nays—Messrs. Armstrong, Beall, Benge, Bradshaw, Bumpass, Burke, Drake, Flanagan, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Middleton, Nelson, Norton, Parsons, Ranck, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, and Whitfield—28.

So the Article passed, and was ordered to be enrolled.

On motion, the Convention refused to adjourn till 3 o'clock this evening.

On motion, the Convention refused to adjourn till 7½ o'clock, this evening.

Mr. Shuford moved to adjourn till 9½ o'clock to-morrow.

Lost.

Article V, Executive Department, taken up and placed on its final passage.

Mr. Shuford moved to adjourn till 9½ o'clock to-morrow morning, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Dalrymple, Hart, Hill, Parker, Parsons, Record, Saunders, Saufley, Selman, Shuford, Taylor of Fannin—12.

Nays—Messrs. Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Runnels, Shepard, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Walker, Waul, and Woods—51.

So Convention refused to adjourn.

The question recurring on the passage of the Article, Mr. Norton proposed to amend as follows:

Strike out four, and insert two.

On motion of Mr. Henderson, the main question was ordered.

The question being on the final passage of the Article, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Allen, Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Jones of Bastrop, Latimer, Ledbetter, Lindsey, McCormack, Murchison, Norris, Parker, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Shepard, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Walker, and Waul—45.

Nays—Messrs. Bumpass, Dalrymple, Flanagan, Johnson of Tarrant, Mabry, Middleton, Nelson, Norton, Parsons, Record, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, and Whitfield—19.

So the Article passed, and was ordered to be enrolled.

Mr. Saunders moved to reconsider the vote rejecting the ordinance to divide the State into Congressional Districts.

Mr. Henderson moved to postpone the consideration of the motion to reconsider till Monday at 11 o'clock.

Carried.

On motion of Mr. Smith of Lamar, Convention adjourned till 9½ o'clock to-morrow.

SATURDAY, March 24th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

On motion of Mr. Jones of Bastrop, Mr. Allen and Mr. Johnson of Titus were excused from further attendance on the Convention.

Mr. Norton, chairman of committee on Condition of the State, made following report:

COMMITTEE ROOM, March 22d, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Condition of the State, to whom was referred an ordinance on the subject of Mines, Minerals, Salines, &c., report the accompanying ordinance, and recommend its passage:

AN ORDINANCE,

On the subject of Mines, Minerals, Salines and Oil Springs.

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That all mines, minerals, salines, oil springs or wells, and all precious metals or minerals, heretofore discovered or used, or which hereafter may be discovered, shall be, and the same are hereby declared to be, the property of the rightful owner of the land in which the same may be situated, subject to such uniform rate of taxation as the Legislature may impose.

Read first time, and passed to the orders of the day.

Mr. Phillips, one of the committee on Legislative Department, and in behalf of said committee, made following report:

Hon. W. M. Taylor, President, pro tem., of Convention:

The committee on the Legislative Department, to whom was referred an ordinance relative to a Constitution for the State of Texas, have instructed me to report a substitute for the same, and to recommend its adoption.

AN ORDINANCE,

Defining the Constitution of the State of Texas.

SEC. 1. *Be it ordained by the people of Texas in Convention assembled,* That the Constitution of the State of Texas shall be as follows:

1. The Constitution of the State of Texas as in force on the 28th of January, 1861.

2. The following ordinances adopted by this Convention:

The ordinance entitled "Freedmen," adopted as a substitute for Article VIII of the Constitution in force January 28th, 1861.

The ordinance "declaring the War Debt void, and for other purposes."

SEC. 2. All other amendments that may be made by this Convention shall be submitted to the people, at the first general election, for their acceptance or rejection; and if accepted by them shall become a part of said Constitution, and not otherwise.

The amendments submitted to the people shall present the whole Constitution as proposed to be amended.

Read first time, and passed to orders of the day.

Mr. Camp of Upshur, in behalf of the committee on Legislative Department, made following report:

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on the Legislative Department, to whom was referred an ordinance providing for the election of State Officers, and fixing the time for the meeting of the Legislature, have had the same under consideration, and instruct me to report the accompanying as a substitute for same, and recommend its passage:

AN ORDINANCE,

Providing for the Election of State Officers, and fixing the time for the meeting of the Legislature.

SECTION 1. *Be it ordained by the people of Texas in Convention assembled,* That an election shall be held on the 4th Monday in May, A. D. 1866, in the several counties of this State, for all the State and County Officers, who under the Constitution and laws are elected by the people.

SEC. 2. *Be it further ordained,* That the officers elected under this ordinance shall hold their respective offices from the date of their installation to the first Monday in August, A. D. 1866, and thereafter, for the full term prescribed by law.

SEC. 3. *Be it further ordained,* That the Legislature of the State of Texas shall meet at the seat of Government thereof, and begin their session on the first Monday in July, A. D. 1866.

SEC. 4. *Be it further ordained,* That in order to carry out the provisions of this ordinance, the Provisional Governor of this State be and is hereby authorized and requested to issue his proclamation, as early as may be, ordering an election to be held in the several counties of this State at the time and for the purposes specified in this ordinance.

Read first time, and passed to orders of the day.

Mr. Degener, a minority of the committee on Legislative Department, made following report:

AUSTIN, TEXAS, March 24th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention:

SIR: The undersigned, a minority of the committee on the Legislative Department, disagreeing with the report of the majority of said committee in the matter of the ordinance fixing the election for State officers, &c., and taking the sense of the people of the State on the adoption of the Constitution as proposed by this Convention, begs leave to report the enclosed ordinance, as a substitute for the ordinance reported by the majority of said committee:

The people of Texas, in Convention assembled, ordain and decree, SEC. 1. That the whole of the action of this Convention, including all ordinances and amendments to the Constitution of this State, shall be submitted to the people of this State for their acceptance or rejection, by vote of the qualified electors of the State, on the first Monday in June, A. D. 1866.

SEC. 2. That an election shall be held on the first Monday in August, A. D. 1866, in the several counties of this State, for all State, District and County Officers required by the Constitution and laws of the State to be elected by the people.

SEC. 3. The Legislature of this State shall meet at the seat of Government, and begin its session on the first Monday in September, A. D. 1866.

SEC. 4. That the Provisional Governor of this State be and he is authorized and requested to issue the necessary proclamations to carry out the provisions of this ordinance.

Read a first time, and passed to orders of the day.

Mr. Roberts, chairman of the Judiciary Committee, made following report:

COMMITTEE ROOM, March 24th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention:

The committee on the Judiciary, to whom was referred an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, with the amendments offered thereto on motion of the delegate from Gonzales, (Mr. Waul,) have had the same under consideration, and request me to report that they have not had time to mature the same, and ask that they be allowed until Monday morning ten o'clock, to report thereon.

O. M. ROBERTS, Chairman Committee.

Report adopted, and, on motion of Mr. Waul, made special order for 12 o'clock Monday next, and committee instructed to report by that time.

Mr. Ball, from committee on Enrolled and Engrossed Ordinances, made following reports:

COMMITTEE ROOM, March 24th, 1866.

To Hon. W. M. Taylor, President pro tem. of Convention:

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined an ordinance making an appropriation of money for per diem pay and mileage, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

COMMITTEE ROOM, March 24th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention.

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined Article IV, Judicial Department, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

COMMITTEE ROOM, March 24th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention:

The undersigned, one of the committee on Enrolled and Engrossed Ordinances, respectfully report that they have examined Article V, Executive Department, and find the same properly enrolled and signed.

A. J. BALL, one of the Committee.

Reports accepted.

Mr. Norton offered the following resolution:

Resolved, by the people of the State of Texas, by Delegates in Convention assembled, That the death of General Sam Houston, late Governor of the State of Texas, is a national calamity, and that in consideration of his pre-eminent abilities, great experience and exalted patriotism, his high character and enthusiastic devotion to the interest and the cause of Texas, from the beginning of the struggle for independence, throughout our revolutionary war, our existence as a Republic, and our life as a State, and in appreciation of the faithful discharge of his duties as Commander-in-Chief of the army, as President of the Republic, as United States Senator, and as Governor of the State, His Excellency the Governor is hereby authorized and empowered to procure, and place in the Representative Hall, his full length portrait, to commemorate his distinguished services, and perpetuate his memory.

Adopted unanimously.

Mr. Saunders offered the following resolution:

Resolved, That the certificates for mileage and per diem of members of this Convention, signed by either the First or Second Assistant Secretary of this Convention, shall be as valid as if signed by the Secretary.

Adopted.

Mr. Beall offered following resolution:

Resolved, That the Secretaries of this Convention shall not be authorized to issue a certificate for the per diem pay or mileage of any member, unless the Convention shall first have excused the member, or adjourned.

Adopted.

Mr. Shepard offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses be required to inquire into the expediency of having the Debates of the Convention published, and if considered advisable, they shall report a plan for the same, by ordinance or otherwise; also to consider the propriety of giving the reporter further time to write out the reports, or extra pay for doing so.

Read, and referred to said committee.

On motion of Mr. Camp of Goliad, Mr. Middleton and Mr. Hill were added to the committee on Contingent Expenses and Printing.

On motion of Mr. Taylor of Fannin, Mr. Latimer was excused from further attendance on the Convention, because of public duties as Comptroller.

Mr. Henderson offered following resolution:

Rosolved, That the committee on Printing be instructed to have the Constitution, as amended by this Convention, printed.

Mr. Shepard offered following as a substitute:

Resolved, That the committee on Printing be instructed to proceed with the printing of the Ordinances, as indicated by the chairman.

Mr. Beall offered to substitute for original resolution and the substitute, by the following:

Resolved, That the Printing Committee have the old Constitution printed in whole, and the amendments and ordinances, passed by the Convention, to be added as an appendix, with such references as are necessary.

On motion of Mr. Henderson, the subject matters, resolution and substitutes, were referred to committee on Printing and Contingent Expenses.

ORDERS OF THE DAY.

Article X, Education, an engrossed article, was taken up, and placed on its third and final reading.

Mr. Norton offered the following amendment:

Amend Section 8, by striking out all after the word "shall," in second line, and inserting, "be appropriated to the support of public schools, and is hereby passed to the credit of the free common school fund."

Mr. Henderson moved the previous question.

Seconded.

The question being, Shall the main question be now put? and the Yeas and Nays being called, stood:

Yeas—Messrs. Anderson, Bacon, Beall, Bumpass, Camp of Upshur, Gentry, Gurley, Hancock, Henderson, Hill, Hunt, Jones of Bastrop, Lane, Mabry, Murchison, Perry, Reeves, Richardson, Saunders, Taylor of Houston, Varnell and Whitfield—22.

Nays—Messrs. Ball, Benge, Bradshaw, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Giddings, Hart, Hurt, Johnson of Tarrant, Ledbetter, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Phillips, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thompson, Tyus, Walker, Waul and Woods—37.

So the House refused to order the main question.

The question recurring on the amendment of Mr. Norton, Mr. Hurt moved to lay on the table; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Bacon, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Murchison, Perry, Phillips, Reeves, Roberts, Runnels, Saunders, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Armstrong, Beall, Benge, Burke, Camp of Goliad, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Lindsey, Middleton, Nelson, Norton, Norris, Paschal, Richardson, Saufley, Shaw, Smith of Lamar, Taylor of Fannin, and Varnell—22.

So the amendment was laid on the table.

Mr. Waul offered the following amendment:

Sec. 2. Strike out, in 6th line, the word "the," between for and education, and after education, in 6th line, to and, in 7th line.

Mr. McCormack moved that the Article and proposed amendments be recommitted to the committee.

Mr. Whitfield moved to lay the motion to recommit on the table; and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Gurley, Henderson, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Perry, Roberts, Saunders, Saufley, Selman, Shields, Smith of Colorado, Taylor of Houston, Walker, Whitfield and Woods—30.

Nays—Messrs. Bacon, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Flanagan, Giddings, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Phillips, Porter, Reeves, Richardson, Runnels, Shepard, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell and Waul—34.

So the House refused to lay on the table.

The question recurring on the motion to recommit, Mr. Whitfield moved a call of the House. Lost.

The question being on the motion to recommit, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Giddings, Gurley, Hart, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Norris, Parker, Parsons, Paschal, Phillips, Porter, Roberts, Runnels, Shields, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell and Waul.

Nays—Messrs. Anderson, Armstrong, Benge, Bumpass, Camp of Upshur, Dalrymple, Flanagan, Gentry, Henderson, Hill, Mabry, Nelson, Perry, Record, Richardson, Saufley, Selman, Smith of Colorado, Taylor of Houston, Walker and Whitfield—21.

So the Article and proposed amendment were recommitted.

When the name of Mr. Jones of Bastrop was called, on the preceding call of the Ayes and Noes, he moved that he be permitted to pair off with Mr. Walker, and the question being put, the permission was granted.

Mr. Selman introduced the following ordinance:

AN ORDINANCE,

Referring to the Indebtedness of the State.

SEC. 1. *Be it ordained by the people of the State of Texas, in Convention assembled,* that the 1st and 2d Sections of an ordinance entitled "An Ordinance declaring the War Debt Void, and for other purposes," adopted by this Convention, be and the same are hereby declared to be final and forever binding on the State; but the 3d section shall be submitted to a direct vote of the people, to be taken separately and distinctly from all other measures.

SEC. 2. At the first general election after the adjournment of this Convention, the qualified voters throughout the State may vote separately on said third section; and it shall be the duty of the Provisional Governor to issue his proclamation accordingly, giving such instructions as may seem most appropriate, in order to obtain the sense of the people on the question involved in the section referred to.

SEC. 3. Should a majority of the legal votes cast be against the section, the whole subject matter contained therein shall remain subject to the future action of the Legislature.

Read a first time, and placed to the orders of the day.

Mr. Degener moved to add Mr. Waul to the committee on Education.

Lost.

On motion, the Convention adjourned till half after 7 o'clock to-night.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

On motion of Mr. Whitfield, the vacancies on committee on Education were filled.

The following gentlemen were named by the President to fill said vacancies, viz:

Messrs. Mabry, Record, Smith of Colorado, Perry, and Burke.

ORDERS OF THE DAY.

Report of the committee on General Provisions, as to the propriety of striking out the 30th section of the VII Article of the Constitution, taken up.

A communication from His Excellency, the Provisional Governor, calling the attention of the Convention to the condition of the Blind Asylum, and asking that some provision be made for the support of Blind until Legislative action could be had, was read, and referred to the Finance committee.

The question recurring on the adoption of the report of the committee, Mr. Paschal offered the following:

Strike out Sec. 30, General Provisions of the Constitution, Art. VII.

Mr. Camp of Upshur moved to lay the motion on the table, on which the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Camp of Upshur, Gentry, Giddings, Gurley, Hancock, Hunt, Jones of Bastrop, Lane, Lindsey, Middleton, Nelson, Norton, Norris, Parsons, Perry, Phillips, Porter, Record, Reeves, Roberts, Runnels, Selman, Shepard, Shields, Shuford, Slaughter, Smith of Colorado, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Walker, Waul, and Whitfield—41.

Nays—Messrs. Burke, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hill, Hurt, Johnson of Tarrant, Jones of Bexar, Ledbetter, Mabry, McCormack, Murchison, Parker, Paschal, Saufley, Thomas of Cameron, Varnell, and Woods—22.

So the motion prevailed.

The question being on the adoption of the report of the committee, it was submitted to the House, and adopted.

Report of the committee on General Provisions of the Constitution, amending Sec. 9, Bill of Rights, was taken up and read a second time, and adopted.

On motion of Mr. Phillips, rule was suspended, bill read a third time, and passed.

Report of the committee on General Provisions of the Constitution, in regard to retaining in the Bill of Rights the right of the State to regulate the elective franchise, was taken up, read and adopted.

The report of the committee on General Provisions of the Constitution, relating to reserving from forced sale certain amounts of personal property, was taken up.

Mr. Camp of Goliad offered the following as a substitute for the report:

AN ORDINANCE.

Be it ordained by the people of Texas in Convention assembled, That in addition to the property heretofore exempted from forced sale, that an additional amount of one thousand dollars worth of such property as heads of families may most desire for the furtherance of their respective occupations, be alone exempted from forced sale.

Mr. Bradshaw moved the previous question.

Seconded.

The question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Bradshaw, Davis of Webb, Giddings, Gurley, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, McCormack, Middleton, Nelson, Parker, Paschal, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Shepard, Shuford, Smith of

Colorado, Taylor of Houston, Thomas of Cameron, Thompson, and Walker—33.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Degener, Drake, Flanagan, Gentry, Murchison, Norton, Norris, Parsons, Porter, Saufley, Shields, Slaughter, Taylor of Fannin, Tyus, Varnell, Waul, Whitfield, and Woods—25.

So the main question was ordered to be put.

The question being on the adoption of the report, the Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Bacon, Bradshaw, Giddings, Gurley, Hancock, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves, Roberts, Runnels, Saunders, Selman, Shepard, Shuford, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, and Walker—34.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Flanagan, Gentry, Hill, Middleton, Murchison, Norton, Norris, Saufley, Shields, Slaughter, Taylor of Fannin, Tyus, Varnell, Waul, Whitfield, and Woods—26.

So the report was adopted.

The reports of the committee on General Provisions of the Constitution, in regard to the observance of the Sabbath, was taken up.

Mr. Waul moved to substitute the minority report and the accompanying ordinance for the report of the majority of the committee.

The Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Drake, Flanagan, Hancock, Hill, Hurt, McCormack, Middleton, Norton, Phillips, Record, Reeves, Saufley, Slaughter, Taylor of Houston, Tyus, Waul, Whitfield, and Woods—25.

Nays—Messrs. Anderson, Bradshaw, Davis of Webb, Degener, Gentry, Giddings, Gurley, Hunt, Johnson of Tarrant, Jones of Bexar, Jones of Bastrop, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Porter, Roberts, Runnels, Saunders, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Varnell, and Walker—33.

Lost.

Question recurring on the adoption of report of the majortiy, the same was put, and adopted.

On motion of Mr. Armstrong, Convention adjourned until 9½ o'clock Monday morning.

MONDAY, March 26th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Norton, chairman of committee on Condition of the State, made the following report:

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Condition of the State, to whom the subject of preparing an ordinance in regard to the redemption of lands sold for taxes has been referred, regarding the subject as requiring action by this Convention, recommend the passage of the accompanying ordinance:

AN ORDINANCE,

Giving further time for the Redemption of Lands sold for Taxes.

Be it ordained by the Delegates of the people of Texas, in Convention assembled, That the owners of all lands sold for taxes since the 1st day of February, 1861, shall have two years from the passage of this ordinance to redeem the same, by paying to the State, where such lands have been purchased by the State, the amount of taxes due upon the same; and where such lands have been purchased by individuals, by paying to such individuals the amount of money paid for such lands, with ten per cent. interest on said amount from the date of purchase. And where such purchase has been made with currency, or funds other than specie, the owner of such lands shall have the right to redeem the same by paying to such purchaser the value of the amount of the currency or funds paid by him for said lands at the time the same was so paid, with interest upon the same as above stated.

Read first time, and passed to the orders of the day.

Mr. Roberts, chairman of Judiciary Committee, made report as follows:

COMMITTEE ROOM, March 26th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The Judiciary Committee, to whom was referred two ordinances relating to payments to the school fund in State Treasury Warrants, made by the Railroad Companies, have had the same under consideration, and have instructed me to report the same back, and recommend respectfully to the Convention that neither of them be passed, and that the matters therein involved be left to such action as the Legislature of the State may adopt thereon.

Read, and adopted.

Mr. Roberts, chairman of committee on Judiciary, made the following report:

COMMITTEE ROOM, March 26th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The Judiciary Committee, to whom was referred an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, together with the amendments offered thereto, and the ordinance annulling certain ordinances of the Convention, have had the same under consideration, and have instructed me to report the same back with the amendments thereto annexed, and recommend their adoption. The committee have thought proper to embrace in one ordinance various measures, which will tend to adapt the State government to its proper position, and at the same time preserve the harmony and quiet of the people of the State, by settling the disturbing questions involved in their situation. They hope and trust that their effort to accomplish those objects, will meet with general approbation on the part of the Convention. Respectfully submitted.

Read first time, and, on motion of Mr. Norton, 200 copies ordered to be printed, and made special order of the day for 12 o'clock to-morrow.

Mr. Mabry, one of the committee on General Provisions, made the following report:

COMMITTEE ROOM, March 24th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on the General Provisions of the Constitution, to which was referred an ordinance providing for the establishment of two branch Penitentiaries, beg leave to return the same, and recommend its passage.

Read first time, and passed to orders of the day.

Mr. Waul, one of the Finance Committee, made the following report:

COMMITTEE ROOM, March 23d, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committee on Finance, to whom was referred the report of the committee on Education, have had the same under consideration, and find now due, and belonging to the common school fund, as follows:

6 per cent. Bonds of Railroad Companies,	$1,753,317 00
Interest due on same to March 1, 1866,	300,614 90
Specie derived from Revenue,	46 83
	$2,053,978 73

They find also,

6 per cent. State Bonds, (manuscript substituted,) by the Comptroller, in place of Warrants,	$320,367 13
10 per cent. interest bearing Warrants,	11,239 71
Non interest bearing Warrants,	1,683 01
5 per cent. United States Bonds,	634,000 00
Interest Coupons on same,	132,700 00
Specie,	26,937 88
Amount received from land sales,	158,409 32
	$1,285,327 05

which has been converted and expended, or in controversy, under the acts of the officers of the State, since the 28th of January, 1861, and before the 5th of August, 1865, or rendered unavailable to said fund by the principle established in the ordinance, declaring the State debt void, by this Convention. The committee find there has been paid into the Treasury, on account of University lands :

Specie on account, principal, and interest on notes,	$ 37,932 04
10 per cent. interest bearing Warrants,	12,230 39
Non interest bearing Warrants,	10,300 41
Confederate Notes,	114,804 48
Transferred to State Revenue account,	203,901 30
Amounting to	$379,168 62

Which has been converted and expended, during the war, by the State authorities. They further state that,

5 per cent. United States Bonds,	$100,000 00
Specie interest on same,	9,472 26
Specie or coupons, 1 mo. interest,	416 66
Amounting to	$109,888 92

was transferred from the University fund to the State Revenue account in February, 1860, under an act of February 8th, 1860, and should be restored by the State to said fund.

That so much of the common school fund, 5 per cent. United States Bonds and coupons, amounting to $766,700 00, as may be used for the payment of the direct tax due the United States Government, should be placed to the credit of said fund, and secured by State Bonds; and the balance of said amount, should any portion thereof be traced and recovered, ought to be restored, and placed to the credit of the school fund, in such manner as the Legislature may hereafter provide.

The committee recommend that the State be released from any other, or further liability to said funds: the various amounts having been lost in the general destruction consequent upon the war, liable to the same objections, and dependent upon the same principles governing the Convention in their action upon the State indebtedness incurred during the war.

They recommend as a substitute for the ordinance referred to them for consideration the accompanying ordinance, and ask its adoption by the Convention:

AN ORDINANCE,

Securing the Common School and University Funds, and for other Purposes.

Be it ordained by the people of Texas, in Convention assembled, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds, and interest transferred from the University fund to the State Revenue account, in February, 1860; and when issued, they shall be placed in the Treasury to the credit of said fund.

SEC. 2. *Be it further ordained*, That all 5 per cent. United States Bonds and coupons, transferred from the common school fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State, shall be secured to said fund; and any portion of said bonds or coupons, that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State, and placed to the credit of said fund; and the Legislature of the State is hereby directed to carry this section into effect.

SEC. 3. *Be it further ordained*, That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or provide by taxation, or otherwise, for the payment of any other claim, or pretended liability of the State, to said funds, not enumerated in this ordinance.

Read first time, and passed to the orders of the day.

Mr. Thompson, one of the committee on Enrolled and Engrossed Ordinances, made the following report:

To Hon. W. M. Taylor, President pro tem. of Convention

The committee on Enrolled and Engrossed Ordinances instruct me to report the ordinance to amend the 9th section of Bill of Rights correctly enrolled and signed.

Received, and adopted.

Mr. Slaughter, one of a select committee touching a consideration of the subject of dividing the State into Judicial Districts, made the following report:

COMMITTEE ROOM, March 24th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The select committee, to whom was referred the resolution of the delegate from Smith, (Mr. O. M. Roberts,) directing an inquiry into the expediency of dividing the State into Judicial Districts, so as to diminish the number of districts, have had the same under consideration, and are of opinion that it is inexpedient.

Read, and passed to orders of the day.

Mr. Whitfield, one of the committee on Education, made the following report:

COMMITTEE ROOM, March 26th, 1866.

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Education, to whom was referred the 10th Article of the Constitution and proposed amendment to the 2d Section of the Bill, having had the same under consideration, and a majority of the committee instruct me to report back the ordinance in its original state, and recommend its adoption as engrossed, without the proposed amendment, or any other.

Report received.

Mr. Waul submitted the following report in behalf of a minority of the same committee, touching the same subject:

COMMITTEE ROOM, March 26th, 1866.

Han. W. M. Taylor, President pro tem. of the Convention:

A minority of the committee on Education, to whom was recommited Article X of the Constitution, with the amendment offered in Convention, dissenting from the majority of the committee, beg leave to report the following amendment, and recommend its adoption:

AMENDMENT.

Strike out, in Sec. 2d, all in the 6th line after the word exclusively, to the word and, in the 7th line, and insert, for education.

Read a first time.

On motion of Mr, Whitfield, the rule was suspended, and the reports of the majority and minority taken up.

Mr. Waul moved to substitute the report of the minority for that of the majority.

The hour having arrived for the consideration of the special order of the day, the same was taken up, and, on motion, postponed till 11½ o'clock, this day.

The question recurring on the motion of Mr. Waul to substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Benge, Camp of Goliad, Davis of Webb, Degener, Drake, Giddings, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Murchison, Parker, Paschal, Phillips, Ranck, Roberts, Saunders, Shepard, Shields, Shaw, Smith of Lamar, Thomas of Cameron, Tyus, Varnell, and Waul—28.

Nays—Messrs. Anderson, Armstrong, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Flanagan, Gentry, Hancock, Hart, Henderson, Hurt, Lane, Lindsey, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Perry, Porter, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Selman, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Whitfield, Woods, and Young—41.

So the motion to substitute was lost.

The question being on the final passage of the Article, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Benge, Bumpass, Burke, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Giddings, Hancock, Henderson, Hurt, Hunt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Nelson, Norris, Parker, Paschal, Phillips, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Walker, Waul, and Whitfield—49.

Nays—Messrs. Beall, Bradshaw, Camp of Goliad, Flanagan, Gurley, Hart, Murchison, Norton, Parsons, Perry, Porter, Ranck, Runnels, Shaw, Varnell, Woods, and Young—17.

So the Article passed.

Report of the committee on General Provisions, touching the propriety of amending Section 8, Bill of Rights, taken up.

The hour having arrived for the consideration of the special order of the day, the reconsideration of the vote refusing to divide the State into Congressional Districts, the same was taken up.

Mr. Roberts moved to lay the motion to reconsider on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Bradshaw, Bumpass, Giddings, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Parsons, Ranck, Richardson, Roberts, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Walker, Waul, and Whitfield —32.

Nays—Messrs. Bacon, Ball, Burke, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Hart, Henderson, Hurt, Middleton, Murchison, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Runnels, Saunders, Thomas of Cameron, Tyus, Varnell, Woods, and Young—31.

So the motion prevailed.

The question again recurring on the report of the committee on General Provisions, touching the propriety of amending 8th section Bill of Rights, and the question being, shall the gentleman from Bexar, (Mr. Paschal,) speak a second time thereon, and being put, the leave was granted.

The question recurring on the adoption of the report of the committee, the same was put, and the report adopted.

The question being on the amendment of the committee, Mr. Waul moved to amend by striking out one hundred dollars, and insert twenty dollars.

On motion of Mr. Runnels, the amendments were laid on the table.

The question recurring on the amendment reported by the committee, the Yeas and Nays being ordered, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Bradshaw, Drake, Gurley, Hancock, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Ledbetter, Lindsey, Mabry, Nelson, Norris, Randolph, Richardson, Roberts, Runnels, Saufley, Shepard, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Varnell, Walker, Waul, and Woods—33.

Nays—Messrs. Beall, Camp of Upshur, Dalrymple, Davis of Webb, Giddings, Henderson, Hill, McCormack, Middleton, Norton, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Reeves, Saunders, Selman, Thomas of Cameron, and Whitfield—20.

So the amendment was adopted, and ordinance ordered to be engrossed.

On motion of Mr. Mabry, the rule was suspended, the ordinance as amended was taken up, and placed on its third and final reading.

The question being on the passage of the ordinance, the same was put, and the ordinance passed, and was ordered to be enrolled.

The ordinance touching the organization of counties with an area of less than 900 square miles, reported by the committee on General Provisions, taken up.

Mr. Mabry offered the following as a substitute:

Sec. 34. The Legislature may, from time to time, establish new counties for the convenience of the inhabitants of such new county or counties; *Provided*, That no new county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents: *Provided, further*, that all counties heretofore created, of less area than nine hundred square miles, are hereby declared to be legally constituted counties. Every new county, as to the right of suffrage and representation, shall be considered a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Mr. Davis of Webb proposed to amend as follows:

Provided that no new county shall be laid off where less than two hundred qualified jurors are at the time resident therein.

Mr. Norton moved to lay the amendment of Mr. Davis of Webb on the table.

Lost.

Mr. Paschal moved to strike out two hundred, in the amendment of Mr. Davis of Webb, and insert 120.

Accepted by Mr. Davis.

The question being on the adoption of the amendment of Mr. Davis of Webb, the same was put, and the amendment adopted.

Mr. Norton moved to amend by striking out 120, and inserting 75.

Mr. Davis of Webb moved to lay on the table.

Carried.

The question recurring on the adoption of the substitute of Mr. Mabry, Mr. Jones of Bexar proposed to amend the substitute as follows:

Strike out in 5th line the words, of less area than 900 square miles.

Accepted by Mr. Mabry.

The question recurring on the adoption of the substitute of Mr. Mabry as amended, adopted.

The question being on the engrossment of the ordinance, Mr. Flanagan moved to amend by striking out 900, and inserting 500.

Mr. Saufley moved to lay the motion of Mr. Flanagan on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Benge, Bradshaw, Bumpass, Dalrymple, Davis of Cherokee, Gentry, Giddings, Hancock, Henderson, Hill, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, Middleton, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Walker, Waul, and Woods—45.

Nays—Messrs. Armstrong, Bacon, Beall, Camp of Upshur, Davis of Webb, Degener, Flanagan, Gurley, Murchison, Norton, Tyus, Varnell, and Whitfield—14.

So the motion was laid on the table,

The question recurring on the substitute of Mr. Mabry as amended, Mr. Lindsey offered to amend by striking out the words, laid off, and insert, organized.

Mr. Flanagan moved to lay the whole subject matter on the table.

Lost.

Question recurring on the amendment of Mr. Lindsey, and being put, the same was adopted.

Question recurring on the engrossment of the ordinance, Mr. Ranck moved to amend by inserting the words at proper place, " except Kendall county."

On motion of Mr. Jones of Bexar, laid on the table.

Mr. Jones of Bexar proposed to amend as follows:

Strike out all after the word "until," in 7th line, and insert in lieu thereof the words, "the next apportionment of representatives thereafter."

Adopted.

On motion of Mr. Saufley, the rule was suspended, the ordinance placed on its third reading, passed, and ordered to be enrolled.

By leave, Mr. Davis of Cherokee introduced the following

ORDINANCE.

Be it ordained by the people of the State of Texas in Convention assembled, All vacancies that may occur by death, resignation, or otherwise, in any office made elective by the Constitution of this State, and not otherwise provided for, the successor to said office shall only be elected to fill the unexpired term of the former incumbent.

Read first time, and referred to committee on General Provisions of the Constitution.

Mr. Davis of Webb offered the following resolution:

Resolved, That the Chaplain of this Convention shall be entitled to the per diem pay of a member, to date from the commencement of the session, and shall draw the same under the regulations applicable to the members.

Mr. Hancock offered the following substitute:

The Chaplain shall be paid as other officers of this Convention, from the time of his employment.

Which was accepted by Mr. Davis of Webb.

Question recurring on the adoption of the resolution, the same was adopted.

On motion, Convention adjourned until 7½ o'clock to-night.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

ORDERS OF THE DAY.

Report of the Legislative Committee, touching the propriety of striking out 27th section, Article III, of the Constitution, taken up, and the report adopted.

Report of the committee on Condition of the State, touching encouragement of manufacturing and mining interests, taken up, and the report adopted.

Report of committee on General Provisions, touching the exemption of certain personal property from forced sale, taken up, and the report adopted.

An ordinance, to exempt one thousand dollars' worth of personal property from forced sale, taken up, read a second time, and referred to the Judiciary Committee.

The report of the committee on Internal Improvements, touching a system of internal improvements, mining and manufactories, taken up, and the question being on the engrossment of the orninance,

Mr. Phillips moved to amend as follows:

1. Strike out from the word prescribe, in the 12th line, to the word companies, inclusive, in the 14th line.
2. Strike out the 19th, 20th and 21st lines.
3. Strike out, in the 16th line, from the word provided, to the word nor, in the 16th line.

On motion of Mr. Mabry, a division of the question was granted.

And the question being put on the adoption of the first amendment, the same was adopted.

The second amendment withdrawn by Mr. Phillips.

On motion of Mr. Paschal, the words "mining and" were stricken out of 1st line, 1st section.

Question recurring on Mr. Phillips' amendment to strike out 19th, 20th and 21st lines, the Yeas and Nays were called, and stood:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Drake, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Norton, Phillips, Roberts, Runnels, Saunders, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Varnell, Waul and Woods—29.

Nays—Messrs. Anderson, Bradshaw, Davis of Webb, Degener, Flanagan, Gentry, Giddings, Gurley, Henderson, Hurt, Ledbetter, Mabry, Norris, Parsons, Paschal, Perry, Porter, Ranck, Randolph, Reeves, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Walker and Whitfield—28.

So the amendment was adopted.

Mr. Mabry offered the following amendment:

Amend by striking out "the sum of fifteen thousand dollars per mile," and insert "one half the cost per mile," in 6th line.

Mr. Benge moved to lay the whole subject on the table, whereupon the Yeas and Nays were called, and stood:

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Burke, Camp of Upshur, Davis of Webb, Davis of Cherokee, Hart, Hunt, Johnson of Tarrant, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Parsons, Roberts, Runnels, Saunders, Selman, Shaw, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Thompson, Tyus, Varnell, Waul and Woods—30.

Nays—Messrs. Anderson, Ball, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Henderson, Hill, Hurt, Ledbetter, Mabry, McCormack, Norton, Norris, Paschal, Phillips, Porter, Randolph, Record, Reeves, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Walker and Whitfield—29.

So the ordinance and amendments were laid on the table.

Mr. Hill, one of the committee on Printing and Contingent Expenses, made the following report:

COMMITTEE ROOM, March 26th, 1866.

Hon. Wm. M. Taylor, President pro tem. of Convention:

The committee on Printing and Contingent Expenses have had under consideration the subject of paying the Porters and Pages hired by the Sergeant-at-Arms, to wait upon the Convention, and have instructed me to recommend that they receive, as compensation for their services, the sum of three dollars per day, during the time they shall have served.

Report adopted.

Mr. Paschal, by leave, introduced the following ordinance:

AN ORDINANCE,

Be it ordained, That the Chief Justice of any county in which there is any town or city, entitled to municipal officers, shall cause separate polls to be opened on the same day of the election of State and County Officers, for the election of municipal officers, and which election shall be in accordance with the charters and laws regulating such municipal elections; and the municipal officers so elected shall continue in office until the next regular election for such city or town officers, and until their successors are duly qualified.

Read first time, and passed to orders of the day.

Report and ordinance allowing counties, cities and towns to lend their credit to railroad companies, taken up.

Mr. Phillips offered following as a substitute;

No county, city or town shall lend their credit to, nor take stock in, any railroad or other incorporate company.

Mr. Gentry moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hurt, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Murchison, Norton, Norris, Paschal, Porter, Ranck, Randolph, Shields, Shuford, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Walker, Whitfield and Woods—34.

Nays—Messrs. Armstrong, Benge, Bradshaw, Bumpass, Burke, Camp of Upshur, Davis of Cherokee, Hart, Hunt, Johnson of Tarrant, Middleton, Nelson, Parsons, Perry, Phillips, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shepard, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell and Waul—28.

So the House tabled the substitute.

The question recurring on the adoption of the report,

Mr. Roberts proposed to amend as follows:

At the end of the ordinance. *Provided*, the annual tax levied to pay the said obligations, or the interest thereon, shall be levied only upon real estate, and shall not exceed the annual State tax, levied on the same real estate.

Mr. Taylor of Fannin moved to adjourn till 9 o'clock, to-morrow morning.

Lost.

Question being on the adoption of Mr. Roberts' amendment, the same was put, and lost.

Question recurring on the engrossment of the ordinance, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Hart, Jones of Bastrop, Jones of Bexar, Ledbetter, Mabry, McCormack, Murchison, Norton, Norris, Parker, Paschal, Perry, Ranck, Randolph, Reeves, Saufley, Shields, Taylor of Houston, Thomas of Cameron, Walker, Whitfield and Woods —33.

Nays—Messrs. Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Camp of Upshur, Davis of Cherokee, Hart, Johnson of Tarrant, Lane, Nelson, Phillips, Record, Roberts, Runnels, Saunders, Selman, Shepard, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell and Waul—25.

So the ordinance was ordered to be engrossed.

Mr. Shepard, by leave, made the following report:

Hon. W. M. Taylor, President, pro tem., of Convention:

A majority of the committee on General Provisions of Constitution, deeming it advisable that there should be some check on future legislation on the subject of contracting debts by the State, have instructed me to report the accompanying ordinance, and recommend its adoption as an additional section to the General Provisions of the Constitution:

ORDINANCE,

To be added to the General Provisions of the Constitution, and constitute Section —.

Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, (unless in case of war, to repel invasion, or suppress insurrection,) they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest, and of the principal when the same shall become due.

And the said law shall be irrepealable, until principal and interest are fully paid and discharged, or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt.

Read a first time, and passed to the orders of the day.

Mr. Thompson moved to reconsider the vote tabling the substitute for Section 33, Article VII, of the Constitution.

On motion of Mr. Gentry, the consideration of the motion to reconsider was postponed till 12½ o'clock to-morrow.

On motion, the Convention adjourned till 9½ o'clock to-morrow morning.

TUESDAY, March 27th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Reports of Committees being in order, Mr. Norton made the following report:

COMMITTEE ROOM, March 27th, 1866.

Hon. Wm. M. Taylor, President pro tem. of the Convention:

The committee on the Condition of the State, having had under consideration an ordinance introduced by the delegate from Lamar, Mr. Armstrong, in regard to submitting the Constitution to the electors of the State, for ratification, have instructed me to report the accompanying ordinance, and recommend its passage:

AN ORDINANCE,

To Provide for submitting certain Ordinances and Amendments to the Constitution to the People of Texas, for their ratification or rejection.

Be it ordained by the People of Texas, in Convention assembled, That all the Amendments made by this Convention to the Constitution of the State, as it existed on the 28th day of Jan'y, 1861, and all the Ordinances pertaining thereto, shall be submitted to the qualified electors of the State, for their adoption or rejection, except the ordinance declaring the ordinance of secession null and void, the ordinance declaring the war debt void, and for other purposes, and the amendment to Article VIII, Freedmen; and that immediately after the adjournment of this Convention, the Provisional Governor of this State shall issue his proclamation, directing the chief justices of the several counties of this State to cause polls to be opened in their respective counties, at the established precincts, on the fourth Monday in May, 1866, for the purpose of taking the sense of the people of Texas, in regard to the adoption or rejection of all other amendments to the Constitution; and the vote of all persons entitled to vote under existing laws shall be received. All voters who may be in favor of adopting the amendments to the Constitution shall say "For the Amendments" on their tickets; those opposed shall say "Against the Amendments." The election shall be conducted in conformity with existing laws regulating elections, and the chief justices of the several counties shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the Secretary of State, and the other deposited in the clerk's office of the county.

Read first time, and passed to orders of the day.

Mr. Bacon presented the following report and ordinance from the committee on Finance:

Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Finance, to whom was referred the message of His Excellency A. J. Hamilton, Provisional Governor of the State of Texas, in relation to the Blind Asylum and applications for admission thereto, have had the same under consideration, and have instructed me to report the accompanying ordinance, with the unanimous recommendation that it pass:

AN ORDINANCE,

For the Relief of J. M. Green and others, proper subjects to be the Beneficiaries of the Blind Asylum.

Be it ordained by the people of the State of Texas, in Convention assembled, That for the support of James M. Green, and such other persons as may be applicants and proper subjects for admission into the Blind Asylum prior to the re-opening of said institution under the direction of the Legislature, the sum of three thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be expended under the direction of the Governor of said State; and it shall be the duty of the Treasurer to pay the same upon the order or orders of the Governor, out of any moneys in the treasury not otherwise appropriated.

Mr. Saunders moved to suspend the rules, and take up the ordinance.

Carried.

The question being on the engrossment of the ordinance, the same was put, and ordered.

On motion of Mr. Hart, a further suspension was allowed, the bill read a third time, and passed.

Mr. Randolph, from committee on Enrolled and Engrossed Ordinances, made the following report, which was accepted:

Hon. Wm. M. Taylor, President pro tem. of Convention:

The committee on Engrossed and Enrolled Ordinances have examined the following ordinances, and find them correctly engrossed and properly signed:

An ordinance amending the 8th section of the Bill of Rights;

An ordinance on Education; and

An ordinance to legalize counties heretofore established.

The committee has also examined an ordinance authorizing any county, city or town to become a stockholder in or loan its credit to any company, association or corporation, and find the same correctly engrossed. Respectfully submitted.

Accepted.

ORDERS OF THE DAY.

Mr. Johnson of Tarrant moved to suspend the rule, and take up the report and resolution of the Finance Committee, touching the salary of Gen. Houston; and the Yeas and Nays being called on said motion, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hart, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Tyus, Varnell, Walker, Whitfield and Young—48.

Nays—Messrs. Bacon, Ball, Bradshaw, Dalrymple, Drake, Giddings, Henderson, Jones of Bastrop, Nelson, Phillips, Shepard, Taylor of Houston, Waul and Woods—14.

So the rule was suspended, and the report and resolution taken up.

Mr. Bumpass proposed the following amendment:

Amend by striking out all of the resolution to the word State, and insert "the Legislature."

Amendment withdrawn.

The question being on the engrossment of the resolution, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Drake, Flanagan, Gentry, Gurley, Hart, Henderson, Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Middleton, Murchison, Nelson, Norton, Norris, Parker, Paschal, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Saunders, Saufley, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—62.

Nay—Mr. Bradshaw—1.

So the ordinance was ordered to be engrossed.

During the call of the roll for the Ayes and Noes, and when the name of Mr. Davis of Webb was called, he asked to be excused from voting; and the question being, Shall the gentleman be excused? and being put, he was excused.

On motion, the rule was further suspended, the resolution read a third time, and unanimously passed.

On motion of Mr. Jones of Bexar, Mr. Shepard was added to the committee on Printing and Contingent Expenses.

On motion of Mr. Gurley, the rule was suspended, and the report and resolution of the Finance committee, touching the claim of W. A. Smith et al., as teachers in the Blind Asylum, taken up.

Mr. Shepard moved to amend as follows:

Amend by adding, "and the further sum of three hundred and eighty-five dollars ($385) is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the claim of Miss Nancy Elizabeth Rust, for the hire of servants to the Deaf and Dumb Asylum; said amount to be paid upon presentation to the treasurer of vouchers properly authenticated.

Adopted.

Mr. Norton offered the following as a substitute for the ordinance as amended:

AN ORDINANCE,

Relating to a Portion of the State Debt.

Be it ordained by the people of the State of Texas, in Convention assembled, That the Legislature, at their first session, shall provide by law for the payment of the undrawn salaries of W. A. Smith, superintendent of the Blind Asylum, of Mrs. Julia A. Smith, Miss Mary E. Smith, and Miss J. S. Smith, subordinate officers of said Blind Asylum, and shall also provide for the payment of the undrawn salaries of J. M. Steiner, superintendent of the Lunatic Asylum, and J. Van Nostrand, superintendent of the Deaf and Dumb Asylum; and to provide, further, fer the payment of all just claims and evidences of indebtedness on account of Blind, Deaf and Dumb and Insane Asylums, bearing date subsequent to the 31st day of May, A. D. 1865.

Mr. Saunders moved to lay the substitute on the table.

The hour having arrived for the consideration of the special order of the day, viz: the resolution to elect by ballot five commissioners, to proceed to Washington, &c., together with the amendments thereto, the same was taken up.

Mr. Armstrong moved to lay the whole subject matter on the table; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Degener, Drake, Flanagan, Hart, Hunt, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Shaw, Taylor of Fannin, Thompson, Tyus, Varnell, Woods and Young—22.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Mabry, Nelson, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Walker, Waul and Whitfield,—47.

So the House refused to lay on the table.

The question recurring on the amendment to strike out five, and insert three, Mr. Roberts moved to postpone the consideration of the resolution and amendment till 11 o'clock to-morrow; and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Ball, Benge, Bradshaw, Dalrymple, Davis of Cherokee, Drake, Flanagan, Giddings, Gurley, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lindsey, Middleton, Norris, Perry, Phillips, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Selman, Shepard, Shields, Shuford, Smith of Lamar, Taylor of Houston, Thompson, Walker and Woods—38.

Nays—Messrs. Anderson, Armstrong, Beall, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Gentry, Hart, Hill, Lane, Ledbetter, Mabry, McCormack, Nelson, Norton, Parker, Parsons, Paschal, Porter, Ranck, Saufley, Shaw, Slaughter, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Tyus, Varnell, Waul, Whitfield and Young—34.

So the motion prevailed.

The reports and ordinances of the Legislative Committee, majority and minority, touching the election of State officers, and fixing the time of the meeting of the Legislature, taken up, and read.

Mr. Degener moved to substitute the minority for the majority report and ordinance.

Mr. Davis of Webb moved a call of the House. Lost.

The question being on the adoption of the ordinance reported by the minority of committee in place of majority report,

The hour having arrived for the consideration of the special order of the day, viz: The ordinance affirming certain laws and acts of officers, and for other purposes, the same was taken up, and postponed till the question now before the House is disposed of.

The question recurring on the motion of Mr. Degener to substitute,

Mr. Bradshaw moved to postpone the motion till 3 o'clock this evening. Lost.

The question being on the motion of Mr. Degener,

Mr. Davis of Cherokee moved to lay the minority report on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Ireland, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Saufley, Selman, Shepard, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—44.

Nays—Messrs. Armstrong, Bacon, Benge, Davis of Webb, Davis of Cherokee, Degener, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, Murchison, Norton, Parker, Paschal, Ranck, Saunders, Shields, Smith of Colorado, Taylor of Fannin, Thomas of Cam., Varnell and Young—26.

So the minority report was laid on the table.

The question being on the engrossment of the ordinance reported by the majority of the committee on Legislative Department,

Mr. Phillips offered to amend as follows:

Add to the end of the second section the following: And in case the amendments to the Constitution shall be rejected, then and in that case the person receiving the highest number of votes for Judge of the Supreme Court shall be Chief Justice, and the next two persons receiving the highest nnmber of votes shall be Associate Justices of said court; and the person receiving the highest number of votes for County Judge shall be Chief Justice of the county.

Mr. Parsons offered the following as a substitute for the amendment of Mr. Phillips:

Sec. 1. After the word "laws," in the 3d line, and before the word "one," insert the words "as they existed before 1st day of February, 1861." Then add to third section the words "and should the amendments to the Constitution, proposed by this Convention, increasing tne number of Supreme Court Judges, be adopted by the people, then the Governor shall, by his proclamation, direct that two additional Justices of the Supreme Court be elected at the first general election after the adoption of the amendments proposed by this Convention, and the five shall then elect a Chief Justice, as directed by the Constitution as amended."

The question being on the adoption of the substitute of Mr. Parsons, the same was put, and the substitute lost.

Question recurring on the amendment of Mr. Phillips, the same was put, and the amendment adopted.

Mr. Hancock offered to amend as follows:

Amend by adding after the word "State," in third line, 1st section, the word "district," and after the word "law," in last ine of Section 2, the words "as if elected on said first Monday."

Adopted.

Mr. Hancock offered to further amend:

Strike out the word May, and insert June.

And the question being on the adoption of said amendment, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Hancock, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Lindsey, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Perry, Porter, Ranck, Reeves, Richardson, Roberts, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Walker and Young—44.

Nays—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Flanagan, Gentry, Giddings, Gurley, Henderson, Ireland, Mabry, Nelson, Norris, Parsons, Phillips, Randolph, Record, Runnels, Saufley, Selman, Shepard, Taylor of Houston, Thompson, Tyus, Waul, Whitfield and Woods—29.

So the amendment was adopted.

Mr. Walker offered to amend as follows:

Strike out the word fourth, before the word June, and insert the word second.

On motion of Mr. Slaughter, the amendment was laid on the table.

Mr. Benge offered to amend by striking out the word July, in 2d section, and insert September.

On motion, laid on the table.

On motion of Mr. Hunt, the word July was stricken out, in the third section, and the word August inserted.

Mr. Flanagan offered to amend as follows:

Provided, That there shall be two representatives elected from the 1st Congressional District, and two from the 2d Congressional District.

Mr. Beall moved to adjourn till 3 o'clock.

Lost.

Mr. Taylor of Fannin offered the following as a substitute for the amendment of Mr. Flanagan:

SEC. 1. *Be it ordained by the people of the State of Texas, in Convention assembled*, That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law.

SEC. 2. The First District shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers and Polk.

The Second Congressional District shall consist of the counties of Davis, Marion, Bowie, Upshur, Titus, Red River, Lamar, Hopkins, Wood, Van Zandt, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskel, Jones, Shackleford, Stephens, Johnson and Ellis.

The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Bosque, Coryelle, Hill, Navarro, Matagorda, Wharton and Erath.

And the Fourth Congressional District shall be composed of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Menard, Kimball, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadaloupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick and El Paso.

On motion of Mr. Saunders, Convention adjourned till 7½ to-night, pending the substitute of Mr. Taylor of Fannin.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

The question pending at the hour of the last adjournment, viz: The substitute of Mr. Taylor of Fannin for the amendment of Mr. Flanagan, to the ordinance providing for an election for State and County Officers, and fixing a time for the meeting of the Legislature, again taken up.

The substitute ruled out of order.

Question being on the adoption of the amendment of Mr. Flanagan,

Mr. Norton offered the following as a substitute for the amendment:

SECTION 1. *Be it ordained by the people of the State of Texas in Convention assembled,* That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law.

SEC. 2. The First District shall be composed of the counties of Anderson, Angelina, Cherokee, Kaufman, Henderson, Van Zandt, Wood, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers and Polk.

The Second Congressional District shall consist of the counties of Davis, Harrison, Marion, Bowie, Upshur, Titus, Red River, Lamar, Hopkins, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cook, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskell, Jones, Shackleford, Stephens, Johnson and Ellis.

The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Colorado, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freesone, Limestone, Falls, McLennan, Bosque, Coryelle, Hill, Navarro, Matagorda, Wharton, and Erath.

And the Fourth Congressional District shall be composed of the counties of Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Menard, Kimball, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadaloupe, Bexar, Wilson, Gonzales, DeWitt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Live Oak, Bee, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullen, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick and El Paso.

Question being on the adoption of the substitute, and the Yeas and Nays being called for stood thus:

Yeas—Messrs. Bacon, Ball, Benge, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Hart, Henderson, Hill, Hurt, Murchison, Norton, Norris, Paschal, Perry, Reeves, Richardson, Saunders, Saufley, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus and Varnell—32.

Nays—Messrs. Anderson, Armstrong, Bumpass, Burke, Drake, Giddings, Hancock, Hunt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Mabry, Middleton, Phillips, Record, Roberts, Smith of Colorado, Walker, Waul, Whitfield and Woods—22.

So the substitute was adopted.

Question being on the adoption of the substitute as a part of the ordinance,

Mr. Saufley moved to lay the substitute on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bumpass, Burke, Camp of Upshur, Drake, Giddings, Hancock, Hart, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, Mabry, McCormack, Middleton, Randolph, Record, Roberts, Saufley, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul, Whitfield and Woods—33.

Nays—Messrs. Bacon, Ball, Benge, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Henderson, Hill, Murchison, Norton, Norris, Parker, Paschal, Perry, Phillips, Reeves, Richardson, Saunders, Shuford, Shaw, Thomas of Cameron, Tyus and Varnell—27.

So the substitute was laid on the table.

Question being on the engrossment of the ordinance as amended,

Mr. Davis of Cherokee offered to amend as follows:

And in the event of tie vote between any two or more of the candidates, a new election shall be ordered.

On motion, laid on the table.

Mr. Hancock moved to reconsider the vote striking out May, and inserting June, in the 1st section of the ordinance.

Mr. Hart moved to lay the motion to reconsider on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, McCormack, Middleton, Murchison, Parker, Paschal, Perry, Ranck, Reeves, Richardson, Saunders, Shepard, Shields, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—39.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Henderson, Ireland, Mabry, Nelson, Norton, Norris, Parsons, Phillips, Record, Roberts, Runnels, Saufley, Selman, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—30.

The motion was carried.

Mr. Gentry offered the following amendment:

"Strike out 4th, in the 1st line,. and insert 1st."

Mr. Jones of Bastrop moved to lay the amendment on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, Ledbetter, McCormack, Murchison, Norton, Parker, Paschal, Perry, Ranck, Richardson, Saunders, Shepard, Shields, Shuford, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—38.

Nays—Messrs. Anderson, Ball, Beall, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Ireland, Mabry, Middleton, Nelson, Norris, Parsons, Phillips, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Slaughter, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—33.

So motion prevailed.

On motion of Mr. Varnell, the previous question was ordered.

The main question, which was the engrossment of the ordinance, being put, the Yeas and Nays being called for stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Giddings, Gurley, Hancock, Hart Hill, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bastrop, Jones of Bexar, Lane, McCormack, Murchison, Nelson, Norris, Parker, Paschal, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Shepard, Shuford, Shaw, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young—56.

Nays—Messrs. Ball, Davis of Webb, Degener, Flanagan, Gentry, Ledbetter, Mabry, Middleton, Norton, Taylor of Fannin, and Thompson—11.

So the engrossment was ordered.

On motion of Mr. Camp of Goliad, the rule was suspended, and the ordinance placed on its third and final reading.

Question being on the passage of the ordinance, the same was put, and the ordinance passed.

The report and ordinance of the Legislative Committee, touching the Constitution, taken up.

Mr. Norton offered to amend the 2d section so as to make it read:

"All other amendments that may be made by this Convention shall be submitted to the people, to be voted on separately, at the first general election, for their acceptance or rejection; and such amendments as receive a majority of the votes cast shall become a part of said Constitution, and not otherwise."

On motion of Mr. Henderson to lay the amendment of Mr. Norton on the table, the Yeas and Nays were called, and stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Burke, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Henderson, Hunt, Hurt, Ireland, Jones of Bastrop, Ledbetter, McCormack, Nelson, Norris, Parker, Paschal, Phillips, Randolph, Reeves, Richardson, Roberts, Runnels, Saufley, Shepard, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Armstrong, Ball, Bumpass, Davis of Webb, Degener, Flanagan, Hancock, Johnson of Tarrant, Jones of Bexar, Mabry, Murchison, Norton, Parsons, Perry, Ranck, Record, Saunders, Selman, Shields, Shuford, Smith of Colorado, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell and Young—26.

So the amendment was laid on the table.

Mr. Mabry offered to amend as follows:

Amend by adding the following to Section —:

"And that the 3d section of the ordinance declaring void the public debt be submitted to a direct vote, separately from the amendments to the Constitution."

Mr. Hart moved to lay the amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Hurt, Ireland, Jones of Bastrop, Jones of Bexar, Ledbetter, Middleton, Murchison, Nelson, Parker, Paschal, Perry, Phillips, Ranck, Richardson, Runnels, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, Woods and Young—42.

Nays—Messrs. Ball, Burke, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Johnson of Tarrant, Mabry, McCormack, Norton, Norris, Parsons, Randolph, Record, Reeves, Roberts, Saufley, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker and Waul—27.

So the motion was carried.

Mr. Phillips proposed to amend as follows:

Add to the end of the 2d section the following:

"The ordinance on the subject of secession."

Amendment adopted.

Mr. Hancock proposed to substitute for the words "ordinance declaring the war debt void, and for other purposes," the following:

That the 1st and 2d sections of an ordinance entitled "An ordinance declaring the war debt void, and for other purposes," adopted by the Convention, be and the same are hereby declared to be final, and forever binding on the State; but the 3d section shall be submitted to a direct vote of the people, to be taken separately and distinctly from all other measures.

SEC. 2. At the first general election, after the adjournment of this Convention, the qualified voters throughout the State may vote separately on said 3d section, and it shall be the duty of the Provisional Governor to issue his proclamation accordingly, giving such instructions as may seem most appropriate, in order to obtain the sense of the people on the question involved in the section referred to.

SEC. 3. Should a majority of the legal votes cast be against the section, the whole subject matter contained therein shall remain subject to the future action of the Legislature.

Mr. Flanagan moved to lay the substitute on the table, on which the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Jones of Bastrop, Middleton, Murchison, Nelson, Parker, Paschal, Perry, Phillips, Ranck, Richardson, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, Woods and Young—36.

Nays—Messrs. Armstrong, Ball, Bradshaw, Burke, Dalrymple, Gentry, Giddings, Gurley, Hancock, Hunt, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Ledbetter, Mabry, McCormack, Norton, Norris, Parsons, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Tyus and Waul—33.

So the substitute of Mr. Hancock was laid on the table.

On motion of Mr. Bacon, the previous question was ordered.

The question being on the engrossment of the ordidance, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Hill, Hunt, Hurt, Jones of Bastrop, Lane, Middleton, Murchison, Nelson, Parsons, Paschal, Perry, Phillips, Reeves, Richardson, Roberts, Saunders, Saufley, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods and Young —47.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Ireland, Johnson of Tarrant, Jones of Bexas, Ledbetter, Mabry, Norton, Norris, Parker, Ranck, Randolph, Record, Runnels, Selman, Shepard, Smith of Colorado and Thomas of Cameron—22.

So the ordinance was ordered to be engrossed.

Mr. Davis of Cherokee moved to suspend the rule, and take up the ordinance for its third and final passage.

Carried.

The question being on the final passage of the ordinance,

Mr. Hart moved to amend by adding to Section 1: And the ordinance assuming the United States Direct Tax.

Adopted.

Mr. Roberts offered following amendment:

Insert after the word general election, the words "on the fourth Monday in June, 1866."

Adopted.

Mr. Davis of Webb offered the following substitute:

SEC. 1. *Be it ordained by the people of Texas in Convention assembled*, That the following ordinances adopted by this Convention: the ordinance entitled "Freedmen," adopted as a substitute for Article VIII in the Constitution in force on the 28th of January, 1861; the ordinance declaring the war debt void, and for other purposes; the ordinance in relation to secession, together with all other amendments that may be made by this Convention, shall be submitted to the people, at the, &c.

Mr. Camp of Goliad moved to lay the substitute on the table.

The Yeas and Nays being ordered, stood:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Giddings, Gurley, Hart, Hurt, Jones of Bastrop, Lindsey, Norris, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—36.

Nays—Messrs. Armstrong, Benge, Burke, Davis of Webb, Degener, Flanagan, Gentry, Hancock, Hill, Ireland, Johnson of Tarrant, Jones of Bexar, Lane, Mabry, Middleton, Murchison, Norton, Parker, Ranck, Saunders, Shepard, Shields, Shuford, Smith of Colorado, Taylor of Fannin, Varnell and Young—27.

So the substitute was laid on the table.

Mr. Paschal offered the following substitute:

Resolved, That the action of this Convention upon all amendments to the Constitution adopted be final, without being submitted to a vote of the people.

Mr. Saunders moved to lay the amendment on the table.

On motion of Mr. Runnels, the previous question was seconded.

The question being shall the main question be now put, the Yeas and Nays were called, and resulted:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Hill, Hunt, Hurt, Ireland, Jones of Bastrop, Lane, Lindsey, Mabry, Murchison, Nelson, Paschal, Perry, Porter, Randolph, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shaw, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Woods and Young—44.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Gurley, Hancock, Johnson of Tarrant, Ledbetter, McCormack, Middleton, Norton, Norris, Parker, Phillips, Record, Shepard, Shuford, Smith of Colorado, Taylor of Fannin, Thomas of Cameron and Thompson—21.

So the main question was ordered.

The question being on the final passage of the ordinance, the Yeas and Nays being ordered, stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gurley, Hart, Hill, Hurt, Jones of Bastrop, Lane, Lindsey, Murchison, Nelson, Paschal, Perry, Porter, Reeves, Richardson, Roberts, Saunders, Saufley, Shuford, Shaw, Slaughter, Taylor of Fannin, Taylor of Houston, Tyus, Walker, Waul, Whitfield, Woods and Young—42.

Nays—Messrs. Davis of Webb, Degener, Gentry, Giddings, Hancock, Hunt, Ireland, Johnson of Tarrant, Ledbetter, Mabry, Middleton, Norton, Norris, Parker, Randolph, Selman, Shepard, Smith of Colorado, Thomas of Cameron, Thompson and Varnell—21. So the ordinance passed.

Mr. Hurt moved to adjourn until 9 o'clock to-morrow morning. Lost.

An ordinance, "making valid the laws and acts of officers therein mentioned, and for other purposes," was taken up, and read.

On motion, the rule was suspended, and the ordinance taken up section by section, to receive amendments.

Mr. Paschal proposed to amend 1st section as follows:

Third line, after Constitution add "and laws," and after State add "as now amended or."

Fifth line, after State add "except so far as they relate to the sale or disposal of the public lands, University fund, or common school fund."

Seventh line, after "State" add "here declared valid."

Eighth line, after Constitution add "and laws." Same line, substitute "they" for "it." Strike out the proviso at the end.

On motion of Mr. Hart, the Convention adjourned till 9½ o'clock to-morrow, pending the amendment of Mr. Paschal.

Wednesday, March 28th, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Waul offered the following resolution:

Whereas, there are many ordinances of vital interest to the people of the State of Texas reported by committees, and ready for the action of this Convention; and whereas, an adjournment to-day would defeat said ordinances, and render a large portion of the work heretofore performed unavoidable; therefore,

Resolved, That so much of a resolution as designates this as the day for the final adjournment of the Convention, be and the same is hereby rescinded.

Mr. Waul moved to suspend the rule, and take up said resolution. Carried.

Mr. Davis of Cherokee offered to amend as follows:

Provided no new business of a general character shall be considered by this Convention.

Withdrawn.

The question being on the adoption of the resolution, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Armstrong, Ball, Camp of Goliad, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shuford, Slaughter, Smith of Lamar, Thompson, Tyus, Varnell, Walker, Waul, Whitfield, Woods, and Young—48.

Nays—Messrs. Bacon, Beall, Benge, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Degener, Flanagan, Hart, Jones of Bastrop, Middleton, Murchison, Randolph, Richardson, Saunders, Shaw, Smith of Colorado, Taylor of Fannin, Taylor of Houston, and Thomas of Cameron—21.

Resolution was adopted.

Mr. Jones of Bastrop asked to be excused from further attendance on the Convention after to-day.

And the question being, shall the gentleman be excused, and being put, the House refused to excuse.

Mr. Richardson moved that he be excused from further attendance on the Convention after 11 o'clock to-night.

Carried

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 28th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Engrossed and Enrolled Ordinances have examined an ordinance defining the Constitution of the State of Texas; an ordinance providing for the election of State officers, and fixing the time for the meeting of the Legislature; an ordinance appropriating money to pay the salary of Governor Houston; and an ordinance for the relief of James M. Green and others, and find them correctly enrolled, and properly signed. Respectfully submitted.

Report accepted.

Mr. Gentry introduced the following ordinance:

AN ORDINANCE,

Requiring the Assessment and Collection of Taxes, for the Year 1866.

SEC. 1. *Be it ordained by the Delegates of the people of Texas in Convention assembled,* That the Assessors and Collectors of the several counties of the State are required to assess a tax of twenty cents on the hundred dollars worth of property, as a State tax for the year 1866.

SEC. 2. That the several counties may assess and collect, for county purposes, one half of the amount of the poll and other tax herein levied by the State.

Sec. 3. That a poll tax of one dollar shall be levied upon all the male inhabitants within the State, between the ages of 21 and 55 years.

Sec. 4. That a tax of twenty-five cents be levied and collected for each dog in this State. The taxes herein levied shall be collected and returned by the 1st day of August, 1866; and the Comptroller shall take all necessary steps, and prescribe rules to insure the prompt and efficient collection of the same.

Sec. 5. There shall be assessed and collected of each and every person pursuing the occupation of hawker or peddler of goods, or other articles not manufactured in this State, an annual direct tax of one hundred dollars, in each and every county in which he may pursue such occupation; of each and every person or firm keeping a billiard table, an annual direct tax of one hundred dollars for each and every table so kept; of each and every person or firm keeping a nine or ten-pin alley, an annual direct tax of sixty dollars, for each and every alley so kept; of each and every person or firm keeping a hotel, cook shop, restaurant, or eating house, for pay or emolument, an annual direct tax of thirty-two dollars for each and every such establishment; of each and every person or firm keeping a race-track, an annual direct tax of eighty dollars; of each and every person or firm pursuing the occupation of real estate broker, ship broker, merchandise or cotton broker, or any commission business, an annual direct tax of forty dollars for each and every such establishment; of each and every person or firm occupied in the business of auctioneering, an annual direct tax of forty dollars; of each and every person pursuing the occupation of pawn broker, an annual direct tax of forty dollars.

Sec. 6. That in order to facilitate the business necessarily incident to the office of Comptroller of Public Accounts, that officer is hereby authorized to employ such number of additional clerks as in his judgment may be necessary in properly keeping the books, and conducting the affairs of his office.

Sec. 7. That the sum of twelve hundred dollars is hereby appropriated for the purchase of books, the printing of blank rolls, purchase of stationery, and for contingencies that may arise, which are necessary to carry into effect this ordinance.

Sec. 8. That this ordinance shall be in force from its passage.

Read first time.

Mr. Roberts offered the following resolution:

Resolved, That the Legislative Committee be instructed to prepare and report an ordinance, as soon as practicable, to provide for holding election for the amendments to the Constitution, and officers of the State, and return of votes, and the matters connected therewith.

Adopted.

Mr. Hancock introduced the following ordinance:

AN ORDINANCE,

To authorize Execution to issue for the Collection of Costs in the Supreme Court and District Courts.

SECTION 1. *Be it ordained by the people of the State of Texas, in Convention assembled*, That in all cases, both civil and criminal, in the Supreme and District Courts of the State, which have been or may hereafter be finally decided by said Courts, execution may issue for the costs of said Courts, except where suspended by appeal or writ of error.

SEC. 2. *Be it further ordained*, That this ordinance shall be and remain in force from the time of its passage, subject to such action as the Legislature may hereafter take on this subject.

Mr. Hancock offered the following resolution:

Resolved, That the Treasurer be, and he is hereby required to pay B. W. Gillock the sum of two hundred and fifty-six dollars, mileage from El Paso to Austin.

The question being on the adoption of said resolution, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Ball, Bradshaw, Bumpass, Davis of Webb, Degener, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hurt, Ireland, Johnson of Tarrant, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Perry, Ranck, Reeves, Runnels, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Varnell, Walker, and Waul—37.

Nays—Messrs. Anderson, Beall, Camp of Goliad, Camp of Upshur, Dalrymple, Hunt, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Phillips, Randolph, Record, Roberts, Saufley, Selman, Shepard, Shields, Shuford, Shaw, Slaughter, Thompson, Whitfield, and Woods—25.

So the resolution was adopted.

The hour having arrived for the consideration of the special order of the day, viz: The resolution providing for the election of certain commissioners, &c., and the amendments offered thereto, taken up.

Mr. Whitfield moved to postpone the special order for half an hour. Lost.

Question being on the amendment of Mr. Flanagan, Mr. Hurt moved to lay said amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Bradshaw, Dalrymple, Drake, Gentry, Gurley, Hancock, Henderson, Hunt, Hurt, Jones of Bexar, Lane, Ledbetter, Lindsey, Mabry, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Slaughter, Smith of Lamar, Taylor of Fannin, Thomas of Cameron, Tyus, Walker, Waul, and Whitfield—43.

Nays—Messrs. Armstrong, Ball, Benge, Camp of Upshur, Davis of Webb, Degener, Flanagan, Giddings, Hart, Ireland, Jones of Bastrop, McCormack, Middleton, Murchison, Norton, Shaw, Thompson, and Varnell—18.

Motion was lost.

Question recurring on the amendment to strike out five, and insert three, the same was put, and the amendment lost.

On motion of Mr. Taylor of Fannin, the word five was stricken out, and four inserted.

Mr. Ireland offered to amend as follows:

Strike out, "the President," and insert, "the Black Republican party."

On motion of Mr. Hart, laid on the table.

Question recurring on the adoption of the resolution, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Camp of Goliad, Gentry, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Lane, Lindsey, Mabry, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shields, Shuford, Taylor of Fannin, Taylor of Houston, Walker, Waul, Whitfield, and Young—38.

Nays—Messrs. Armstrong, Bacon, Benge, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Giddings, Hart, Ireland, Jones of Bastrop, Jones of Bexar, Ledbetter, McCormack, Middleton, Murchison, Norton, Paschal, Saunders, Shepard, Shaw, Slaughter, Smith of Colorado, Smith cf Lamar, Thomas of Cameron, Thompson, Tyus, Varnell, and Woods—31.

Resolution was adopted.

The President appointed Mr. Taylor of Fannin and Mr. McCormack as tellers of the ballot cast in execution of the resolution just adopted.

Nominations being in order, Mr. Nelson nominated Mr. Beall; Mr. Record nominated Mr. Hancock; Mr. Hurt nominated Mr. Henderson; Mr. Saufley nominated Mr. Phillips; Mr. Jones of

Bastrop nominated Mr. Camp of Goliad; Mr. Gentry nominated Mr. Lane; Mr. Hunt nominated Mr. Shields; Mr. Ireland nominated Mr. Waul; Mr. Bradshaw nominated Mr. Porter; Mr. Murchison nominated Mr. Degener; Mr. Parsons nominated Mr. Selman; Mr. Whitfield nominated the whole Convention.

First Ballot—The vote being cast, and the ballots told, it appeared that Mr. Beall had received 11 votes, Mr. Hancock 40, Mr. Henderson 29, Mr. Phillips 19, Mr. Camp of Goliad 14, Mr. Lane 37, Mr. Shields 25, Mr. Waul 15, Mr. Porter 42, Mr. Degener 6, Mr. Selman 9; scattering, 15 votes.

Messrs. Hancock, Lane and Porter, having rceeived a majority of the votes cast, were declared duly elected.

The names of Messrs. Selman, Beall, Camp of Goliad, and Degener were withdrawn.

Mr. Saufley moved that the rule be suspended which declares a plurality of votes shall elect on the second ballot, and that a majority be required to elect.

Carried.

The second ballot was cast, and on telling the vote, it appears Mr. Henderson received 24 votes, Mr. Shields 19, Mr. Phillips 19, Mr. Waul 4, Mr. W. E. Jones 1.

Name of Mr. Waul withdrawn by Mr. Ireland.

No one having received a majority of the votes cast, a third ballot was had, and on telling the votes, it appeared that Mr. Henderson had received 27 votes, Mr. Shields 22, Mr. Phillips 18, Mr. Jones 1.

There being no election, a fourth ballot was had, and on telling the votes, it appeared that Mr. Henderson had received 37 votes, Mr. Phillips 11, Mr. Shields 20, Mr. Jones 1.

Mr. Henderson having received a majority of the votes cast, was declared duly elected.

Mr. Norton offered the following resolution:

Resolved, That the Secretary of the Convention be required to cause the Constitution to be correctly enrolled, and that, prior to adjournment, the President and Secretary and Members of the Convention proceed to sign the same.

Resolved, That upon the adjournment sine die of this Convention, the Constitution be deposited in the office of the Secretary of State; and that any member who may not be present may authorize his name to be attached or signed to the same in said office, at any time hereafter.

Mr. Roberts offered the following resolution:

Resolved, That a committee of Revision, composed of five delegates, be appointed, whose duty it shall be to revise the business of the Convention, and report upon and call the attention of the Convention to such matters as may be necessary to make their action upon the various subjects complete.

Adopted.

The President appointed the following named gentlemen on the committee:

Messrs. Phillips, chairman; Smith of Colorado, Perry, Shepard, McCormack.

Mr. Beall offered the following resolution:

Whereas, the different portions of Texas have very limited mail facilities, on account of which matters of public interest, emanating from this capitol, would be a long time reaching their destinations,

Resolved, That His Excellency, A. J. Hamilton, Provisional Governor of Texas, is respectfully requested to issue his Proclamation, ordering the Chief Justices of the different counties in the State to order elections in their respective counties, for the different State, district, and county officers to be elected by the people; and also to authorize the Chief Justices to have polls opened, to take the sense of the people in regard to the amendments, &c., to the Constitution, which are, by this Convention, submitted to them.

Resolved, That His Excellency be requested to furnish the members of this Convention with such Proclamation, if it be in his power to do so, before they leave Austin; and that a committee be selected by the President to wait on him for said purpose.

Mr. Paschal proposed to amend as follows:

Add after county and before officers, "and municipal."

On motion of Mr. Roberts, the resolution and amendment were referred to the committee on Legislative Department.

Mr. Nelson offered the following resolution:

Resolved, That the Secretary of this Convention, at the adjournment sine die, take charge of the journal, and have blank copies of the same printed, letting out the printing to the lowest and best bidder; that he correct the proof of and index the same; and when finished, to forward a copy to each member of this Convention, and deposit the remainder with the Secretary of State; the postage for forwarding to be paid out of the fund appropriated to defray the expenses of this body; and that the Secretary be continued in office for thirty days, to attend to said business.

Mr. Norton offered to substitute as follows:

Resolved, That the committee on Printing cause to be published 600 copies of the journal of this Convention; one copy of which shall be sent to the Clerk of each County Court, one copy to each member of the Convention, and one copy to the library of each State, and the remainder be deposited in the State library; and that the postage and other expenses incurred in carrying out this resolution shall be paid out of the fund appropriated for defraying the expenses of this Convention.

On motion, resolution and substitute referred to committee on Printing.

Mr. Waul offered the following resolution:

Resolved, That the committee of Revision be requested to see that the Constitution and various amendments be properly enrolled.

Which was adopted.

Mr. Hurt offered the following resolution:

Resolved, That no member be allowed to speak on the same question more than five minutes; nor shall the Convention give leave to a member to extend his remarks beyond that time.

Mr. Beall offered to amend as follows:

Nor ask a question while a member is speaking.

Accepted.

Mr. Hurt moved to suspend the rule, and take up his resolution. Lost.

Mr. Flanagan offered the following resolution:

Resolved, That this Convention will adjourn on Friday next, sine die.

Mr. Ireland moved to lay the resolution on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Bacon, Ball, Dalrymple, Davis of Cherokee, Drake, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Richardson, Roberts, Saufley, Selman, Shepard, Shields, Smith of Colorado, Smith of Lamar, Thompson, Walker, Waul, and Woods—41.

Nays—Messrs. Anderson, Armstrong, Beall, Benge, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Flanagan, Giddings, Hart, Hunt, Jones of Bastrop, Ledbetter, Paschal, Reeves, Runnels, Shaw, Taylor of Houston, Varnell, and Whitfield—22.

So the resolution was laid on the table.

Mr. Gentry offered the following resolution:

Resolved, That the expenses of the delegates elected by this Convention to proceed to Washington be paid out of the contingent fund, and that the committee on Finance be requested to report, as early as practicable, an ordinance providing for said expenditures, &c.

Resolution adopted, and referred to the Finance Committee.

On motion of Mr. Davis of Webb, the Select Committee, appointed to draft an address to the President of the United States, were instructed to report without any unnecessary delay, and have address printed.

On motion of Mr. Runnels, Convention adjourned till ½ after 3 o'clock, this evening.

3½ O'CLOCK, P. M.

Convention met; roll called; no quorum.

Absentees—Messrs. Beall, Bumpass, Burke, Dalrymple, Gentry, Giddings, Gurley, Hunt, Hurt, Johnson of Tarrant, Ledbetter, Lindsey, McCormack, Parker, Parsons, Phillips, Record, Roberts, Runnels, Saunders, Saufley, Selman, Smith of Colorado, Smith of Lamar, Thomas of Cameron, Thompson, Varnell, Whitfield, and Young.

On motion of Mr. Bacon, Convention adjourned until 7½ o'clock P. M.

7½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

Mr. Beall made following report from the Finance Committee:

COMMITTEE ROOM, March 28th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred the resolution relative to paying the expenses of the delegates appointed by this Convention to visit Washington City, have had the same under consideration, and instruct me to report the following ordinance, and recommend its passage:

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That the sum of thirty-two hundred dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of the four delegates elected by this Convention to visit Washington; and the Treasurer is hereby authorized to pay the sum of eight hundred dollars to each of said delegates, upon the presentation of their certificate of election by the Secretary of this Convention.

Read a first time.

On motion, rule suspended, ordinance read a second time, and the question being on the engrossment of the ordinance, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Gentry, Giddings, Hill, Lindsey, Mabry, Nelson, Norris, Perry, Phillips, Porter, Randolph, Reeves, Runnels, Selman, Shepard, Taylor of Houston, Thompson, Walker, Waul, Whitfield, and Woods—28.

Nays—Messrs. Bacon, Benge, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hunt, Ireland, Jones of Bastrop, Jones of Bexar, Ledbetter, Middleton, Murchison, Norton, Saufley, Shields, Thomas of Cameron, and Varnell—18.

So the ordinance was ordered to be engrossed.

Mr. Mabry moved to further suspend the rule, and place the ordinance on its third and final reading.

Lost.

ORDERS OF THE DAY.

The ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, together with the amendment of Mr. Paschal to the first section, again taken up.

Mr. Parsons moved to lay the amendments on the table.

On motion, a division of the question was granted.

The question being on the first amendment, viz: to add after Constitution, in 4th line, the words, "and laws,"

The Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Gentry, Giddings, Gurley, Ireland, Jones of Bastrop, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Randolph, Reeves, Roberts, Runnels, Saufley, Taylor of Fannin, Taylor of Houston, Thompson, Tyus, Walker, Waul, and Whitfield—26.

Nays—Messrs. Armstrong, Bacon, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Flanagan, Hart, Hurt, Johnson of Tarrant, Jones of Bexar, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Phillips, Saunders, Shields, Shaw, Slaughter, Smith of Colorado, Thomas of Cameron, Varnell, Woods, and Young—33.

The question recurring on the adoption of the first amendment, the same was put, and adopted.

The question being on laying the second amendment on the table, to wit: after the word State, 4th line, "as now amended or," the same was put, and lost.

Question recurring on the adoption of the amendment, the same was put, and lost.

Mr. Parsons withdrew the motion to lay amendments on the table.

Question being on the adoption of third amendment, Mr.

Paschal having the floor under the rule relating to the time allowed for speaking, and on the motion being put to allow him to continue, the same was refused.

Mr. Lindsey moved to lay the amendment on the table, and the Yeas and Nays being ordered, stood:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Bumpass, Camp of Upshur, Gentry, Giddings, Gurley, Henderson, Hill, Hunt, Ireland, Johnson of Tarrant, Jones of Bastrop, Lane, Lindsey, Mabry, Norris, Parsons, Perry, Phillips, Porter, Record, Roberts, Runnels, Saufley, Selman, Shepard, Shuford, Smith of Colorado, Taylor of Houston, Walker and Waul—34.

Nays—Messrs. Armstrong, Bacon, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hart, Jones of Bexar, Ledbetter, McCormack, Murchison, Nelson, Norton, Paschal, Reeves, Saunders, Shields, Taylor of Fannin, Thomas of Cameron, Varnell, Whitfield, Woods and Young—24.

So the amendment was laid on the table.

While the vote was being taken, Mr. Saunders rose to a point of order, namely, that he claimed and had a right to the floor before the last motion was made, but that the chair refused to recognize him.

The chair decided against the point of order.

Mr. Jones of Bastrop moved to excuse Mr. Saunders from further attendance on the Convention. Lost.

Question being on adoption of the fourth amendment, the same wae put, and lost.

Question being on the adoption of the fifth amendment, the Yeas and Nays being ordered, stood:

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hart, Hunt, Johnson of Tarrant, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Parker, Paschal, Perry, Ranck, Saunders, Shepard, Shuford, Shaw, Smith of Colorado, Taylor of Fannin, Thomas of Cameron, Varnell, Waul, Woods and Young—34.

Nays—Messrs. Anderson, Ball, Beall, Bradshaw, Gentry, Giddings, Gurley, Henderson, Hunt, Ireland, Jones of Bastrop, Mabry, Norris, Parsons, Phillips, Record, Roberts, Runnels, Saufley, Selman, Slaughter, Taylor of Houston, Thompson, Tyus, Walker and Whitfield—27.

So the amendment was adopted.

Mr. Saunders, having the floor, was called to order under the ten minutes rule. Motion was made to allow him to proceed, which was refused.

Mr. Paschal withdrew his amendment, by leave.

Mr. Bradshaw offered the following amendment:

Amend the first section as follows, to wit: Provided that the following Acts, to wit: An act authorizing the Comptroller of the State to receive from railroad companies in this State the interest that may be now due or hereafter become due on their bonds, approved Dec. 16, 1863; an act amending an act authorizing the Comptroller of the State to receive from railroad companies in this State the interest that may now be due or may hereafter become due on their bonds, approved May 28, 1864; an act to authorize railroad companies to discharge their indebtedness to the special school fund with the treasury warrants and bonds and coupons of the State, approved November 15, 1864; are declared to be unconstitutional, *null and void ab initio*, and that all payments made under said acts are in legal contemplation void, and that the amount said companies owed the State of Texas prior to the 1st day of February, 1861, is yet a legal, valid, subsisting debt against said companies, in favor of the State.

Amendment not in order.

The word "it," 8th line, was ordered to be struck out, and "they" ordered to be inserted in lieu thereof.

Mr. Norton moved to amend section 3d by striking out all the third and fourth lines, and inserting, "were from the beginning null and void."

Mr. Waul moved to lay the amendment on the table.

Withdrawn.

Mr. Smith of Colorado offered to substitute as follows:

Sec. 3. Be it further ordained, that all the ordinances, resolutions and proceedings of a Convention of the people of the State, begun and held on the 28th January, 1861, and on the 2d March, 1861, together with the amendments to the Constitution adopted by said Convention for this State, are declared null and void.

Adopted.

Section 4 was read, when Mr. Paschal moved to strike out all of said section.

Withdrawn.

Mr. Hancock offered the following as a substitute for the 4th and 5th sections:

No civil or military officer of the Confederate States or State of Texas, or private person, shall be prosecuted criminally, or held to answer over in damages, for any act or acts done between the 2d day of February, 1861, and the 26th day of May, 1865, in obedience to superior military orders, or which may have been in accordance with the Constitution and laws of the Confederate States and of Texas, then deemed to have been in force; and in all cases where executors, administrators, trustees, agents and bailees have received and paid out Confederate or State currency, the courts, in the settlement of their accounts, shall be governed by principles of justice and equity, as well for the protection of the rights of heirs and creditors, as of such executors, administrators, trustees, agents and bailees.

Mr. Davis of Webb moved to adjourn until 9, A. M., to-morrow.

Lost.

Mr. Paschal moved to strike out all after the words "in force."

Mr. Hancock was allowed to withdraw his substitute, and offered all after the words "in force," in the withdrawn substitute, as a substitute for 4th section.

Adopted.

Mr. Hancock offered the following substitute for 5th section:

Be it further ordained, that no person shall be sued in any civil action, or prosecuted in any criminal proceeding, for any act done under and by virtue of the Constitution and laws of the Confederate States or the State of Texas, as existing during the late civil war; and no person shall, in any case, be held to answer for the act of another.

Mr. Phillips moved to adjourn till 9½ o'clock to-morrow.

Lost.

Mr. Davis of Cherokee moved to adjourn until 10 o'clock to-morrow.

Lost.

Mr. Davis of Webb moved to adjourn till 9 o'clock to-morrow; and the Yeas and Nays being ordered, stood:

Yeas—Messrs. Benge, Davis of Cherokee, Davis of Webb, Degener, Gentry, Johnson of Tarrant, Jones of Bexar, Murchison, Norton, Paschal, Perry, Phillips, Ranck, Record, Reeves, Saufley, Selman, Shepard, Shields, Taylor of Houston, Thomas of Cameron and Tyus—22.

Nays—Messrs. Anderson, Beall, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Flanagan, Giddings, Hancock, Hill, Hunt, Ireland, Jones of Bastrop, Lindsey, Mabry, McCormack, Norris, Parker, Parsons, Porter, Roberts, Runnels, Saunders, Slaughter, Smith of Colorado, Thompson, Waul and Whitfield—28.

So the Convention refused to adjourn.

Mr. Davis of Cherokee moved to adjourn till 9¼, A. M., to-morrow.

Mr. Thompson appealed from the decision of the chair, which was that a motion to adjourn was always in order.

Appeal withdrawn.

Question recurring on the motion to adjourn, Yeas and Nays were ordered, and stood:

Yeas—Messrs. Davis of Webb, Davis of Cherokee, Degener, Gentry, Hancock, Johnson of Tarrant, Jones of Bexar, Lindsey, Murchison, Norton, Parsons, Phillips, Record, Roberts, Saufley, Selman, Shepard, Shields, Taylor of Houston, Thomas of Cameron, Walker and Waul—22.

Nays—Messrs. Anderson, Bacon, Beall, Bradshaw, Bumpass. Camp of Goliad, Camp of Upshur, Flanagan, Giddings, Hill, Hunt, Ireland, Jones of Bastrop, Mabry, McCormack, Norris, Parker, Runnels, Saunders, Slaughter, Smith of Colorado, Thompson and Whitfield—23.

So motion was lost.

On motion of Mr. Davis of Webb, a call of the house was ordered.

Absentees—Messrs. Armstrong, Burke, Dalrymple, Drake, Gurley, Hart, Henderson, Hurt, Lane, Latimer, Ledbetter, Nelson, Paschal, Perry, Randolph, Shepard, Shaw, Smith of Lamar, Taylor of Fannin, Tyus, Varnell and Young.

Mr. Parsons moved to adjourn till 9½ o'clock to-morrow morning. Lost.

Mr. Ireland moved to adjourn till 9 o'clock to-morrow morning. Carried. Pending Mr. Hancock's substitute for 5th section.

THURSDAY, March 29th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Following report was received from the Printing Committee:

COMMITTEE ROOM, March 28th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention:

The committee on Printing and Contingent Expenses, to whom was referred resolutions in relation to printing the Journals of the Convention, have had the same under consideration, and instruct me to report the following substitute, and recommend its adoption.

WM. E. JONES, Chairman.

Resolved, 1st. That 600 copies of the Journals of this Convention shall be published, on good fair paper, with Small Pica type, forty-three lines to the page, exclusive of the paging figures, and twenty-seven ems wide, one copy of which shall be sent to each member of the Convention, and one copy to office of the County Clerk of each county in the State, and one copy to the library of each State, and the balance deposited in the office of the Secretary of State.

2d. That the manuscript Journals of the Convention shall, immeditely after its adjournment, be deposited by the Secretary in the office of the Secretary of State.

3d. That before the adjournment of the Convention, the committee on Printing and Contingent Expenses shall cause to be published in one paper in Austin, and one in Houston, these resolutions, and invite sealed proposals for printing the Journals with an index, to be paragraphed by the bidder, and specifying the price, per page, at which they will print the Journals and index, and prepare the index; the proposals to be filed in the office of the Secretary of State, within fifteen days after the adjournment, and the printed Journals to be delivered at the same office, within sixty days after the delivery of the manuscript copy.

4th. That on the 16th day after the adjournment of the Convention the Secretary of State shall open the bids and award the printing to the lowest bidder, and deliver to him or to his agent, in this city, the manuscript Journal.

5th. That when the Journals, printed in accordance with these resolutions, shall be delivered to the Secretary of State, he shall approve the account of the printer, which shall be sufficient authority for the Treasurer to pay the same out of any money in the treasury, not otherwise appropriated.

Mr. Jones of Bexar moved to suspend the rule, and take up the report and ordinance made by the committee on Printing and Contingent Expenses, and just read.

Carried.

Ordinance taken up, and read a 2d time.

Mr. Hancock moved to strike out 600, and insert 1000.

Adopted.

Substitute, as amended, ordered to be engrossed.

Rule further suspended, ordinance read a third time, and passed.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following report;

COMMITTEE ROOM, March 29th, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention.

The committee on Engrossed and Enrolled Ordinances have examined an ordinance appropriating money to defray the expenses of delegates elected by the Convention to visit Washington, and find the same correctly engrossed.

Accepted.

On motion of Mr. Johnson of Tarrant, Mr. McCormack was excused from further attendance on the Convention.

On motion, Mr. Smith of Colorado was excused from further attendance on the Convention, after to-morrow, because of public business.

Mr. Saufley offered the following resolution:

Resolved, That the committee on Printing report to the Convention, at the earliest practicable moment, the amount of printing done by the respective printing offices in Austin, for the Convention, and what contracts, if any, and with what office, have been made, for the printing of the Constitution, Ordinances, and Journals of the Convention.

Adopted.

ORDERS OF THE DAY.

The engrossed ordinance appropriating money to defray the expenses of the four commissioners to the City of Washington, taken up, read a third time, and the question being on the final passage of the ordinance, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Hurt, Ireland' Johnson of Tarrant, Lane, Ledbetter, Lindsey, Mabry, McCormack, Nelson, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shepard, Shields, Shaw, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—52.

Nays—Messrs. Benge, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Jones of Bexar, Middleton, Murchison, Norton, Paschal, Saunders and Thomas of Cameron—13.

So the ordinance was passed.

By leave, the special committee raised to draft an address to the President of the United States made following report:

COMMITTEE ROOM, March 29th, 1866.

To Hon. W. M. Taylor, President pro tem. of Convention:

The select committee appointed to prepare an address to His Excellency the President of the United States, expressive of the sentiments of the Convention, and the desire of the people of the State of Texas to cultivate friendly feelings with their brethren throughout the Union, and to be restored to their Constitutional rights as a State and people, respectfully present the accompanying address, and recommend it adoption.

J. K. P. RECORD, Chairman.

To His Excellency, Andrew Johnson, President of U. States :

The people of the State of Texas, by delegates in Convention assembled, having been in session from the 7th of February, deliberating upon the condition of the country, and the change necessary to be made in their State Constitution to conform to the existing order of things, and having completed their work, have thought proper to make a brief statement of their action and proceedings to your Excellency.

We acquiesce in the situation resulting from the war, and in the exposition of views set forth by yourself, as to our status as a people, and we beg leave to assure you that cheerfully and cordially we have endeavored to conform to your policy by our action in Convention..

Herewith we transmit to you an official copy of the ordinances and resolutions, and the Constitution of Texas, as adopted by this Convention, and to them we invite your attention.

It will be seen that we have by solemn action declared the ordinance of secession null and void. We have recognized the fact that those heretofore our slaves are now free, and declared that hereafter neither slavery nor involuntary servitude, except for crime, shall exist in this State. We have ordained that the Freedmen shall be protected in their rights of persons and property; that they shall have the right to sue and be sued; to acquire, hold and transmit property, and to testify in the courts, and we have determined to give them equality before the law. We believe that so long as this class of persons remain among us they will receive, by legislative enactments, ample protection. We have by ordinance declared the entire debt growing out of, and accruing during, the war null and void, and forbidden the Legislature assuming or providing for the payment of any portion thereof. Henceforth no debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents or its authority, will be paid by the State of Texas. All the acts and proceedings of the Convention of 1861 have been by us declared null and void. In as complete and full a manner as language can express, we have declared ourselves upon these important questions, which have been deemed so vital to sustaining your policy. In good faith, and without any mental reservation, whatever, we have spoken. Acknowledging the supremacy of the Constitution of the United States, and of all laws passed in pursuance thereof, and in consonance therewith, we have sought to give expression to our sentiments in unmistakable terms. The views and opinions many of us entertained in the past, the long cherished sentiments of the Southern people, which were left to the arbitrament of arms, having been decided against us, are by us relinquished and forever renounced. The past, with all its memories, sad and sorrowful, should be "buried out of sight."

The olive branch of peace extended to us by your kindly hand we accept in grateful spirit, and we trust that a returning sense of justice will induce our Northern friends to admit us to that equality of position which rightfully we are entitled to in Congress and in every department of the Government.

The true interpretation has been ably proclaimed by you. If the Southern States could not secede from the Union, constitutionally, as was claimed by the majority in Congress, then are we not in the Union as States, and entitled to all the privileges, and having all the rights of co-ordinate States? Will not those who claim to be our brethren concede to us the full measure of brotherly love, or will they keep the word of promise to the ear to break it to the hope?

A brave and chivalrous people, having taken the obligations to support the Constitution, and the proclamations and laws, and having given the earnest of their faith by work such as we herewith present, may be relied upon as loyal, and worthy of every confidence.

A magnanimous and just people should not attempt to maintain control over any portion of their territory by the military power, when the people themselves are ready and willing to do their duty as good citizens.

We ask only for that which is lawful, for the rights of the people of the State of Texas, as guaranteed by the Constitution.

Having discharged our duties under the call of His Excellency the Provisional Governor, and being about to disperse to our respective homes, we cannot refrain from expressing our cordial approbation of your course as President of the United States, and particularly our approval of your restoration policy, and we pledge to you the support, earnest and thorough, of the people of Texas, in all measures that will tend to restore the State to its pristine position among the States of the American Union.

Our prayer will be for your continued health and prosperity, and for the successful administration of the Government.

God save the Union, and preserve the Constitution and the liberties of the people!

Resolved, That the foregoing address be signed by the officers and delegates, and together with an official copy of the ordinances, acts and resolutions, therein enumerated, be sent to His Excellency, Andrew Johnson, President of the United States.

Question being on the adoption of the report, and

Mr. Paschal, having the floor, was called to order under the ten minutes rule.

Mr. Davis of Webb moved to suspend the rule, to allow the gentleman to proceed.

Lost.

Mr. Waul moved to postpone, till 7½ o'clock to-night, any further action on the address.

Mr. Wood moved to indefinitely postpone the whole matter, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Gurley, Hart, Ireland, Jones of Bexar, Middleton, Murchison, Nelson, Parker, Parsons, Paschal, Phillips, Ranck, Richardson, Runnels, Selman, Shepard, Shuford, Shaw, Smith of Lamar, Tyus, Varnell and Woods—32.

Nays—Messrs. Anderson, Ball, Beall, Bumpass, Dalrymple, Drake, Hancock, Henderson, Hill, Hunt, Hurt, Johnson of Tarrant, Lindsey, Mabry, Norton, Norris, Perry, Porter, Randolph, Record, Reeves, Roberts, Saufley, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul and Whitfield—31.

So the motion prevailed.

Mr. Ireland moved to excuse Mr. Hunt after to-day.

Carried.

Mr. Shepard moved to excuse Mr. Ledbetter after to-morrow night.

Lost.

On motion, Mr. Jones of Bexar was allowed to introduce the following ordinance:

Resolved, That an additional sum of four thousand dollars be appropriated, or so much thereof as may be necessary, to defray the contingent expenses of the Convention.

Read first time.

Mr. Degener moved to suspend the rule and take up ordinance for second reading.

Carried, and the ordinance read second time.

The question being on the engrossment of the ordinance, the same was put and carried, and,

On further motion of Mr. Degener, the ordinance was read third time, and passed.

Mr. Flanagan moved suspension of the rule, to introduce a resolution.

Lost.

An ordinance to allow a city or town to become a stockholder, or loan its credit to incorporated companies, was taken up, read a third time, and passed.

Mr. Beall asked and was granted leave to introduce an ordinance, and report:

COMMITTEE ROOM, March 29th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance have had several resolutions under consideration, respecting the ordering of the next election, and request me to report the following ordinance:

W. P. BEALL.

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That an election authorized by this Convention to be holden on the fourth Monday in June, 1866, for State, District, County and Municipal Officers, and for the adoption or rejection of the amendments to the Constitution, shall be held, counted, and returns made in accordance with the law now in force, except that the presiding officers of the several precincts in the different counties shall make their returns within five days after said election, and the Chief Justice shall open and count out said votes on the fifth day after said election.

2. *Be it further ordained*, That polls shall be opened and register made of all persons voting on the amendments to the Constitution, and if a majority of those voting on said amendments vote "for the amendments," then they shall be final, and if said majority be "against the amendments," they shall be considered rejected.

3. *Be it further ordained*, That the election on the subject of the amendments be *viva voce*.

4. *Be it further ordained*, That the returning officers throughout the State shall make returns of said elections to the Secretary of State, on or before the first Monday in August next.

5. *Be it further ordained*, That His Excellency the Provisional Governor be requested to co-operate in the execution of this ordinance.

Mr. Hancock moved to strike out the exception in Section first.

Withdrawn.

Mr. Smith of Colorado offered a substitute for the ordinance and proposed amendments. Substitute withdrawn.

Mr. Hancock offered to amend by striking out the 3d section of the ordinance introduced by Mr. Beall.

Withdrawn.

Mr. Norton moved to strike out the words "*viva voce*," and insert "by ballot," and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Johnson of Tarrant, Ledbetter, Mabry, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Porter, Ranck, Record, Richardson, Saunders, Shaw, Smith of Lamar, Thomas of Cameron, Thompson, Walker, Whitfield and Woods—36.

Nays—Messrs. Beall, Bradshaw, Camp of Upshur, Drake, Flanagan, Giddings, Ireland, Lindsey, Nelson, Norris, Perry, Phillips, Randolph, Reeves, Runnels, Saufley, Shields, Smith of Colorado, Taylor of Fannin, Tyus, Varnell and Waul—22.

So the amendment was adopted.

Mr. Davis of Webb moved to strike out the word fifth, and insert seventh, in the last line, to 1st section.

Amendment withdrawn.

Mr. Norton moved to amend as follows:

Provided that the people shall vote upon the following Articles, as amended, separately:

Article III, Legislative Department; Art. IV, Judicial Department; Art. V, Executive Department; Art. X, Education; the ticket of each voter being printed or written "for," or "against" these Articles, respectively.

Mr. Roberts moved to lay the proposed amendment on the table.

Motion prevailed.

Mr. Smith of Colorado offered to amend as follows:

And if it appear that a majority of all the votes given upon the amendments be in favor of accepting them, then the Governor will issue his proclamation of the fact, and thenceforth the amendments shall constitute a part of the Constitution of this State, from the date of the election; but if a majority be for rejecting them, then they shall not take effect.

Mr. Davis of Webb moved that the original ordinance, as amended, and the proposed amendments, be recommitted to the committee on Legislative Department, with instructions to consider and report at 7½ o'clock this evening.

On motion of Mr. Flanagan, the previous question was ordered.

The main question being put, the ordinance was ordered to be engrossed.

On motion, rule suspended, and the ordinance placed on its third and final reading.

Mr. Lindsey offered to amend as follows:

And where two or more counties compose a district, the return shall be made to the returning Chief Justice of the district on the 12th day after the election.

Adopted.

Mr. Waul offered to amend as follows:

CAPTION.

An Ordinance for the Ratification of the Amendments to the Constitution, and for other purposes.

Adopted.

The question being on the final passage of the ordinance, the same was put, and the ordinance passed.

On motion of Mr. Jones of Bexar, the vote adopting the substitute, reported by the Printing Committee, for a resolution referred to said committee, relative to printing the Journals of the Convention, was reconsidered.

On motion of Mr. Jones of Bexar, the blank in the substitute was filled up with "60."

Question then recurring upon the adoption of the committee's substitute for original resolution, Mr. Gentry offered the original resolution for the substitute, which the President declared out of order, and the substitute was adopted.

Mr. Waul, from committee on Finance, made the following report:

COMMITTEE ROOM, March 28th, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Finance, to whom was referred an ordinance requiring the assessment and collection of taxes for the year 1866, ask leave to report that they have considered the same, and will recommend its passage as amended by the committee.

All of which is respectfully submitted.

On motion, the rule was suspended, and the report and ordinance taken up.

Mr. Record moved to amend the ordinance as follows:

That a tax of fifty cents be levied and collected for each dog in the State.

Mr. Beall moved to amend the amendment as follows:

Provided, That dogs of good character, and which bark well, are exempted from the provisions of this ordinance.

Mr. Ireland moved to lay the amendment of Mr. Beall on the table.

The Yeas and Nays were ordered, and stood thus:

Yeas—Messrs. Armstrong, Bacon, Ball, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Gentry, Giddings, Gurley, Hancock, Hart, Hunt, Hurt, Ireland, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Saunders, Saufley, Selman, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Walker, Waul, Woods, and Young—47.

Nays—Messrs. Anderson, Beall, Benge, Davis of Cherokee, Flanagan, Ledbetter, Norton, Ranck, Record, Richardson, Varnell, and Whitfield—12.

So the amendment was laid on the table.

Mr. Hurt moved to amend by excepting hounds of full blood.

On motion of Mr. Hart, the report of the committee was adopted.

On motion of Mr. Runnels, the main question was ordered, which being the engrossment of the ordinance, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Drake, Gentry, Giddings, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Lindsey, Mabry, Murchison, Nelson, Parker, Phillips, Randolph, Richardson, Roberts, Runnels, Shields, Shaw, Slaughter, Smith of Lamar, Tyus, Waul, Woods, and Young—35.

Nays—Messrs. Armstrong, Ball, Bradshaw, Degener, Flanagan, Hill, Ledbetter, Middleton, Norton, Norris, Paschal, Perry, Porter, Ranck, Record, Saunders, Saufley, Shuford, Taylor of Houston, Thompson, and Varnell—21.

So the ordinance was ordered to be engrossed.

Mr. Gentry moved to suspend the rule, and take up the ordinance for its final passage.

Mr. Degener moved to amend thus:

Africans and their descendants excepted.

Mr. Runnels moved the previous question. Seconded.

The main question was ordered, and the Yeas and Nays called for on the final passage of the ordinance, and stood:

Yeas—Messrs. Anderson, Bacon, Beall, Benge, Bumpass, Camp of Upshur, Dalrymple, Davis of Webb, Drake, Gentry, Giddings, Hancock, Henderson, Hunt, Hurt, Ireland, Johnson of Tarrant, Lindsey, Mabry, Murchison, Nelson, Parker, Phillips, Randolph, Richardson, Roberts, Runnels, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Tyus, Walker, Waul, Woods, and Young—37.

Nays—Messrs. Armstrong, Ball, Bradshaw, Degener, Flanagan, Ledbetter, Middleton, Norton, Norris, Paschal, Perry, Porter, Ranck, Record, Saufley, Shuford, Smith of Colorado, Taylor of Houston, Thompson, and Varnell—20.

So the ordinance was passed.

On motion of Mr. Roberts, Mr. Walker was added to the committee on Revision.

On motion of Mr. Davis of Webb, Convention adjourned till 7½ o'clock to-night.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment; roll called; quorum present.

Omnibus ordinance, with substitute for 5th section offered by Mr. Hancock, again taken up.

Mr. Saunders arose to speak to the question. The President ruled him out of order. Mr. Saunders appealed from the ruling of the chair; whereupon the Yeas and Nays were demanded, and stood thus:

Yeas—Messrs. Benge, Bumpass, Burke, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hill, Ledbetter, Middleton, Murchison, Norton, Norris, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Selman, Shepard, Shields, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Varnell, Walker, Waul and Whitfield—37.

Nays—Messrs. Anderson, Camp of Upshur, Giddings, Hart, Hurt, Record, Richardson, Runnels and Saufley—9.

So the appeal from the decision of the chair was sustained.

Question recurring on the adoption of the substitute, Mr. Saufley moved the previous question.

Seconded.

Mr. Norton moved a call of the house.

Ordered.

Mr. Saufley withdrew the motion for the previous question.

Mr. Norton withdrew the motion for a call of the House.

Mr. Degener moved to lay the 5th section of the ordinance and the substitute on the table.

Motion ruled out of order.

Mr. Degener moved to lay the substitute on the table. Lost.

Question being on the adoption of the substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Dalrymple, Davis of Cherokee, Davis of Webb, Flanagan, Gentry, Gurley, Hancock, Henderson, Hill, Jones of Bexar, Lane, Mabry, McCormack, Murchison, Parker, Parsons, Paschal, Saunders, Shields, Slaughter, Smith of Lamar, Taylor of Houston, and Walker—28.

Nays—Messrs. Ball, Beall, Benge, Bradshaw, Burke, Camp of Upshur, Degener, Giddings, Hart, Hunt, Hurt, Ireland, Middleton, Nelson, Norris, Norton, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Shepard, Shaw, Smith of Colorado, Thomas of Cameron, Tyus, Varnell, Waul and Whitfield—33.

So the substitute was lost.

Mr. Norton moved to strike out the 5th section.

Mr. Ireland moved to lay the motion on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Henderson, Hill, Hunt, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul and Whitfield—38.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Degener, Drake, Flanagan, Hart, Jones of Bexar, Lane, Ledbetter, McCormack, Middleton, Murchison, Norton, Paschal, Ranck, Saunders, Shields, Shuford, Shaw, Smith of Lamar, Thomas of Cameron and Varnell—26.

So the motion prevailed.

Mr. Record moved to amend as follows:

Strike out the words "recognized as," in 4th line 5th section.

By leave the amendment was withdrawn by the mover.

Mr. Davis of Webb moved to amend as follows:

Insert after the word "recognized," in 4th line, "by the highest military authority in this State;" and strike out "an actual," in 6th line, and in place of same insert "a;" and at end of line add "directly or indirectly."

Mr. Gentry moved to amend the first amendment by adding the words, "or in the Trans-Mississippi Department."

Accepted.

Mr. Giddings moved to lay amendments on the table.

On motion, a division of the question was granted; and the question being on the first amendment, the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hill, Hunt, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul and Whitfield—33.

Nays—Messrs. Benge, Bumpass, Davis of Webb, Degener, Drake, Flanagan, Hart, Jones of Bexar, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Selman, Shaw, Thomas of Cameron and Varnell—19.

So the first amendment was laid on the table.

During the call of the roll for the preceding Yeas and Nays, when the name of Mr. Shields was called, he asked to be excused from voting, for the reason that he had agreed to pair off with Mr. Spaight, on the ordinance embracing the subject matter of the 5th section, now under discussion; and the question being put, the gentleman was excused.

The question being on laying the second amendment on the table, and the Yeas and Nays being taken, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul and Whitfield—35.

Nays—Messrs. Bumpass, Davis of Webb, Degener, Flanagan, Jones of Bexar, Middleton, Murchison, Norton, Parker, Paschal, Selman, Shaw, Thomas of Cameron and Varnell—14.

So the second amendment was laid on the table.

Mr. Davis of Cherokee moved the previous question.

Seconded.

Mr. Davis of Webb moved a call of the house.

Lost.

Mr. Norton moved to adjourn till 9½ o'clock to-morrow.

Lost.

The question being, Shall the main question be now put? and being submitted, was ordered.

The main question, which was the engrossment of the ordinance, being put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Camp of Upshur, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hunt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield and Woods—35.

Nays—Messrs. Armstrong, Benge, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Jones of Bexar, Lane, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Runnels, Saunders, Shields, Shuford, Shaw, Thomas of Cameron and Varnell—22.

So the ordinance was ordered to be engrossed.

Mr. Ireland moved to suspend the rule, and take up the ordinance, and place it on its third and final reading; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Burke, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker and Whitfield—33.

Nays—Messrs. Armstrong, Benge, Bumpass, Davis of Webb, Degener, Flanagan, Hart, Jones of Bexar, Lane, Ledbetter, Middleton, Murchison, Norton, Parker, Paschal, Record, Saunders, Selman, Shuford, Shaw, Thomas of Cameron and Waul—22.

So the House refused to suspend the rule.

Mr. Gentry moved to reconsider the vote ordering the engrossment of the ordinance.

Mr. Slaughter moved to lay the motion to reconsider on the table.

Mr. Waul moved to adjourn till 9½ o'clock to-morrow; and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Beall, Benge, Bradshaw, Bumpass, Gentry, Hart, Hunt, Lane, Lindsey, Middleton, Nelson, Norton, Parker, Parsons, Paschal, Perry, Reeves, Saunders, Selman, Shuford, Shaw, Taylor of Houston, Thomas of Cameron, and Waul—25.

Nays—Messrs. Ball, Burke, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Gurley, Hancock, Henderson, Ireland, Ledbetter, Mabry, Murchison, Norris, Phillips, Randolph, Record, Roberts, Runnels, Shepard, Slaughter, Smith of Colorado, Thompson, Tyus, Varnell, Walker and Whitfield—28.

So the house refused to adjourn.

Mr. Norton moved to adjourn till 9½ o'clock to-morrow.

Mr. Runnels made the following point of order, viz: that after a motion had been put and lost, another motion to adjourn could not be entertained until some intervening question. The chair ruled against the point, stating that a motion to adjourn was always in order.

Mr. Runnels appealed from the decision of the chair.

On motion, the Convention adjourned till 9 o'clock to-morrow morning, pending Mr. Runnels' appeal.

MONDAY, March 30th, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

On motion of Mr. Saunders, Mr. Young was excused from further attendance on the Convention after to-day, because of serious indisposition in his family.

On motion of Mr. Whitfield, Mr. Burke was excused from further attendance on the Convention, because of serious indisposition.

Mr. Giddings offered the following resolution:

Resolved, That we will remain in session until all the business before the Convention is disposed of.

Withdrawn.

By leave, Mr. Runnels withdrew his appeal from the decision of the chair, which was pending at the hour of the last adjournment.

Mr. Slaughter withdrew his motion to lay the motion of Mr. Gentry, to reconsider the vote ordering the omnibus ordinance to be engrossed, on the table.

Mr. Gentry withdrew his motion to reconsider the vote ordering the omnibus ordinance to be engrossed.

Mr. Henderson moved to suspend the rule, and take up the omnibus ordinance, ordered to be engrossed last night.

Carried.

Mr. Roberts offered to amend 5th section as follows:

Strike out the words, "recognized as," in the 5th section.

Question being on the adoption of said amendment, Mr. Davis of Webb having the floor, was called to order by the President under the ten minute rule; and the question being, shall the gentleman proceed, and being put, the leave was granted.

Question recurring on the amendment, the same was put, and the amendment adopted.

Mr. Norton moved to amend as follows:

Amend Section 8 by striking out, in second line, "the 2d day of March," and inserting, "the 1st day of February," and by striking out of the 5th line, "previous to the rendition of such judgment," and inserting the words, "after the 1st day of February, 1861."

Amendments adopted.

Mr. Roberts moved to amend by striking out the word ordinance, in the 6th section, and insert the word, section.

Adopted.

Mr. Ireland moved to strike out the 6th section. Lost.

Mr. Runnels offered to amend 6th section as follows:

Sec. 6. Second line after the word limitation insert as follows: "Nor shall interest, for and during said period, be computed in any judgments rendered by any court in this State, until the Legislature, by law, shall authorize the same."

Mr. Hart moved to lay the proposed amendment on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Bradshaw, Bumpass, Burke, Davis of Webb, Giddings, Gurley, Hancock, Hart, Henderson, Hurt, Ireland, Ledbetter, Lindsey, Murchison, Norris, Parker, Parsons, Paschal, Randolph, Roberts, Saunders, Selman, Shepard, Shaw, Slaughter, Thomas of Cameron, Walker, Waul, and Whitfield—31.

Nays—Messrs. Anderson, Beall, Benge, Camp of Goliad, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Gentry, Hill, Johnson of Tarrant, Jones of Bexar, Latimer, Mabry, Middleton, Nelson, Norton, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Runnels, Saufley, Shields, Smith of Colorado, Smith of Lamar, Taylor of Houston, Thompson, Tyus, Varnell, and Woods—33.

So the House refused to lay on the table.

The question recurring on the amendment of Mr. Runnels, Mr. Smith of Colorado offered the following as a substitute:

Insert after the word limitation, in 2d line, the following: *Provided*, that no interest shall be recovered on any demand which would be barred by limitation but for this section.

Accepted.

And the question being on the adoption of the substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Benge, Camp of Goliad, Dalrymple, Drake, Gentry, Gurley, Hancock, Henderson, Hurt, Jones of Bexar, Ledbetter, Lindsey, Mabry, Perry, Phillips, Porter, Ranck, Roberts, Selman, Shepard, Smith of Colorado, Taylor of Houston, Thompson, Walker, Waul, and Whitfield—30.

Nays—Messrs. Ball, Bradshaw, Bumpass, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Giddings, Hart, Ireland, Johnson of Tarrant, Latimer, Murchison, Nelson, Norton, Norris, Paschal, Randolph, Reeves, Richardson, Runnels, Saunders, Saufley, Shields, Shaw, Smith of Lamar, Tyus, and Woods—29.

So the substitute was lost.

Mr. Davis of Webb moved to amend as follows:

Amend by adding to the 5th section the words, "or accessory before or after the fact, according to the rules of common law."

Adopted.

Mr. Hancock proposed to amend 6th section as follows:

Strike out all after the word "limitations," in the 2d line.

And the question being on the adoption of said amendment, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Giddings, Hancock, Hart, Henderson, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Mabry, Middleton, Norton, Parker, Paschal, Perry, Ranck, Reeves, Richardson, Saunders, Selman, Shepard, Shields, Smith of Lamar, Thomas of Cameron, Waul, and Woods—38.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Gentry, Gurley, Ireland, Lindsey, Nelson, Norris, Parsons, Phillips, Randolph, Roberts, Runnels, Shaw, Taylor of Houston, Thompson, Walker, and Whitfield—19.

So the amendment was adopted.

Mr. Randolph offered to amend as follows:

Insert between the words "Confederate" and "paper," in 4th line, 7th section, the words, "or other."

Adopted.

Mr. Hancock offered the following as a substitute for the 10th section:

That no suit or criminal action shall be maintained in the courts of this State for any taxes or duties of any kind, received or collected since the 2d of March, 1861, and prior to the 5th of August, 1865; and all sales of property for taxes between said dates are hereby annulled and set aside.

Adopted.

Mr. Davis of Cherokee offered to amend 7th section, 5th line, as follows:

Strike out the word "maturity," and insert, "at the time of making said contract."

On motion, laid on the table.

Mr. Davis of Webb offered to amend as follows:

Strike out from "where," on 4th line, down to "recovered," on 5th line inclusive, and insert, "such parol testimony may be introduced to show that dollars, in Confederate or other paper currency, were intended, and the marketable value thereof at the time of maturity."

Mr. Walker offered the following as a substitute for the amendment:

Amend by striking out after "action," on 4th line, the following: "and it shall be the duty of the Legislature to enact laws affecting the remedy respecting contracts belonging to this class, according to principles of equity and justice, and that, until such laws shall be enacted, no judgment thereupon shall be rendered by the courts."

On motion, laid on the table.

Question recurring on the amendment of Mr. Davis of Webb, and being put, the amendment was adopted.

Mr. Roberts offered to amend as follows:

At end of section 6 add, "except that civil action *ex delicto* already barred, shall be revived by this section.

Mr. Richardson moved the previous question. Withdrawn.

Question recurring on the amendment of Mr. Roberts, Mr. Norton moved to lay on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Benge, Bumpass, Davis of Webb, Degener, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Middleton, Murchison, Norton, Norris, Paschal, Ranck, Richardson, Saunders, Saufley, Selman, Shaw, Smith of Lamar, Thomas of Cameron, and Varnell—24.

Nays—Messrs. Anderson, Ball, Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Giddings, Gurley, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Parker, Parsons, Perry, Phillips, Porter, Randolph, Reeves, Roberts, Runnels, Shepard, Shields, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—37.

So the House refused to lay on the table.

Mr. Johnson of Tarrant in the chair, question recurring on the amendment of Mr. Roberts, Mr. Ireland moved to amend the amendment by adding the words, "or criminal prosecution."

Question recurring on the adoption of Mr. Roberts' amendment, the same was put, and the Yeas and Nays demanded, which stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Middleton, Nelson, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Shepard, Slaughter, Smith of Colorado, Taylor of Houston, Thompson, Tyus, Walker, Waul, Whitfield, and Woods—40.

Nays—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Davis of Webb, Degener, Hart, Johnson of Tarrant, Jones of Bexar, Latimer, Ledbetter, Murchison, Norton, Norris, Parker, Paschal, Ranck, Richardson, Saunders, Selman, Shuford, Shaw, Smith of Lamar, Thomas of Cameron, and Varnell—26.

So the amendment was lost.

Mr. Davis of Cherokee moved the previous question; seconded and ordered; which being the final passage, the ordinance was put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Ball, Beall, Benge, Bradshaw, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Gentry, Giddings, Gurley, Hancock, Henderson, Hurt, Ireland, Johnson of Tarrant, Lindsey, Nelson, Norris, Parsons, Perry, Phillips, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Shepard, Shields, Slaughter, Smith of Colorado, Smith of Lamar, Taylor of Houston, Tyus, Walker, Waul, Whitfield, and Woods—41.

Nays—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Hart, Latimer, Mabry, Middleton, Murchison, Norton, Parker, Paschal, Ranck, Saunders, Selman, Shuford, Shaw, Thomas of Cameron, and Varnell—22. So the ordinance was passed.

Mr. Randolph made the following report:

COMMITTEE ROOM, March 30th, 1866.

Hon. Wm. M. Taylor, President pro tem. of Convention:

The committee on Engrossed and Enrolled Ordinances have examined an ordinance requiring the assessment and collection of taxes for the year 1866; an ordinance making an additional appropriation for contingent expenses; an ordinance authorizing any county, city or town to become a stockholder in, or loan its credit to any company, association, or corporation; an ordinance appropriating money to defray the expenses of four delegates elected to visit Washington; and an ordinance prescribing the mode of conducting an election for officers, and the ratification of the amendments to the Constitution, and find them correctly enrolled and properly signed. Respectfully submitted.

Report accepted.

The motion to reconsider the vote laying the report of the committee on Internal Improvements, as regards Sec. 33, Art. VII, General Provisions of the Constitution, on the table, was put, and the reconsideration voted.

Mr. Gentry offered the following substitute for the ordinance reported by the committee on Internal Improvements:

SEC. 37. That a well regulated system of internal improvements being calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens: therefore, the Legislature shall have power, and it shall be its duty to encourage the same; and the Legislature shall have power to guarantee the bonds of railroad companies to any amount not exceeding, in any case, the sum of fifteen thousand dollars per mile: *Provided*, that in no case shall the State guarantee the payment of the bonds of any railroad company, until such company shall have previously graded and prepared at least twenty-five miles of its roadway, ready to lay the iron rails thereon, and so on continuously, on each additional section of ten miles so graded and prepared, after the preceding section has been finished and in operation, until the whole road shall be completed.

Further provided, That the Legislature shall require that the company, or companies, which receive aid from the State, shall use the same exclusively for the purchase of iron rails, fastenings and rolling stock, and placing the same upon the roads; and upon the failure to do so, shall forfeit all their rights under this provision, together with their property and franchises; and it shall be declared a felony for any officer or agent of any railroad company to misappropriate any funds granted under the provisions of this section, or any other funds or property of the company.

The State shall always be secured for all bonds guaranteed for any railroad company by a lien, or first mortgage upon the road, rolling stock, depots, and franchises of the corporation whose bonds may be guaranteed.

The Legislature shall provide by law, that the managers of railroad companies shall make reports periodically of their acts, and the condition of the corporation affairs, which shall be officially published for public information; and in no case shall the State guarantee the bonds of railroad companies as herein provided, except by a vote of two-thirds of both Houses of the Legislature: *Provided*, that the Legislature shall have no power, directly or indirectly, to release any railroad company from the payment in specie of the principal or interest of the obligations or debts due to the school fund, or to the State.

An act entitled "An act supplementary to and amendatory of an act to regulate railroad companies, approved February 7th, 1853," approved 21st December, 1857, be and the same is hereby repealed, and of no further effect.

The Comptroller of the State is authorized to take possession of any railroad, in default of paying any bonds which may be guaranteed by the State, under such regulations as may be prescribed by law.

Mr. Bradshaw proposed to amend the substitute as follows:

At the end of the last section amend as follows, to wit: Provided that the following Acts, to wit: An act authorizing the Comptroller of the State to receive from railroad companies in this State the amount that may be now due or hereafter become due on their bonds, approved Dec. 16, 1863; an act amending an act authorizing the Comptroller of the State to receive from railroad companies in this State the interest that may now be due or may hereafter become due on their bonds, approved May 28, 1854; an act to authorize railroad companies to discharge their indebtedness to the special school fund with the treasury warrants and bonds and coupons of the State, approved November 15, 1864; are declared to be unconstitutional, *null and void ab initio*, and that all payments made under said acts are in legal contemplation void, and that the amount said companies owed the State of Texas prior to the 1st day of February, 1861, is yet a legal, valid, subsisting debt against said companies, in favor of the State.

Mr. Degener moved to lay the amendment of Mr. Bradshaw on the table.

Mr. Waul moved to adjourn until half after 3 this evening. Carried.

Pending, the motion of Mr. Degener to lay on the table.

3½ O'CLOCK, P. M.

Convention met pursuant to adjournment; roll called; quorum present.

Mr. Ireland moved to excuse Mr. Jones of Bastrop from attendance on Convention to date from the 28th. Carried.

On motion of Mr. Hancock, Mr. Ledbetter was excused from attendance after 12 o'clock to-morrow.

The question pending at last adjournment, viz: to lay amendment of Mr. Bradshaw on the table, was first in order.

The Yeas and Nays were ordered, and stood;

Yeas—Messrs. Anderson, Davis of Cherokee, Degener, Giddings, Ledbetter, Murchison, Parker, Roberts, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Varnell, Walker and Waul—16.

Nays—Messrs. Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Burke, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Flanagan, Gentry, Gurley, Henderson, Hill, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Mabry, Middleton, Norton, Norris, Perry, Phillips, Porter, Randolph, Richardson, Runnels, Saunders, Shaw, Smith of Lamar, Whitfield and Woods—35.

So the House refused to lay the amendment on the table.

Question recurring on the adoption of Mr. Bradshaw's amendment,

Mr. Hancock offered the following amendment:

Amend by striking out all after the word "are," and add "hereby annulled, and of no further effect."

The Yeas and Nays were ordered, on the adoption, and stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Burke, Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hill, Ireland, Johnson of Tarrant, Latimer, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Paschal, Perry, Phillips, Porter, Randolph, Record, Roberts, Shepard, Shields, Shaw, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—39.

Nays—Messrs. Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Norton, Ranck, Richardson, Runnels, Shuford, Smith of Colorado, Smith of Lamar and Varnell—18.

So amendment was adopted.

Mr. Davis of Cherokee offered to amend as follows:

Provided, That the Legislature at its first session shall allow the said railroads a credit on the principal and interest due by them of the amount the bonds and coupons paid in by said railroad, under said laws, were fairly worth in specie, at the time they were so paid in.

Mr. Henderson moved to lay the amendment on the table.

Yeas and Nays were ordered, and stood:

Yeas—Messrs. Camp of Upshur, Dalrymple, Gentry, Giddings, Gurley, Hancock, Henderson, Hill, Johnson of Tarrant, Mabry, Nelson, Norris, Paschal, Porter, Randolph, Roberts, Selman, Shepard, Taylor of Houston, Tyus, Walker, Waul and Woods—23.

Nays—Messrs. Anderson, Armstrong, Bacon, Ball, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Ireland, Jones of Bexar, Latimer, Murchison, Norton, Parker, Parsons, Perry, Phillips, Ranck, Record, Reeves, Richardson, Runnels, Saunders, Shields, Shaw, Varnell and Whitfield—31.

The Convention refused to lay the amendment on the table.

Question recurring on the adoption of the amendment offered by Mr. Davis of Webb,

The Yeas and Nays were ordered, and stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Degener, Flanagan, Jones of Bexar, Murchison, Norton, Parker, Parsons, Ranck, Richardson, Runnels, Saunders, Shaw, Smith of Lamar, Thomas of Cameron and Varnell—23.

Nays—Messrs. Camp of Upshur, Dalrymple, Davis of Cherokee, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Hill, Ireland, Johnson of Tarrant, Ledbetter, Lindsey, Mabry, Nelson, Norris, Paschal, Perry, Phillips, Porter, Record, Reeves, Roberts, Saufley, Selman, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—35.

So amendment was lost.

Mr. Hancock offered the following amendment to the ordinance:

And the franchise nor corporate privileges of any incorporated company shall be sold under judgments, except for the foreclosure of mortgages on liens created in the manner prescribed by law.

Adopted.

Mr. Ireland offered the following as a substitute:

SUBSTITUTE.

It shall be the duty of the Legislature to encourage internal improvements, by appropriate legislation, and the Legislature are hereby prohibited from creating any debt against the State, without providing, at the same time, for its payment.

Laid on the table.

Mr. Hancock offered to amend by adding:

No private corporation shall be created, by the Legislature, except for municipal, charitable or educational purposes; and it shall be the duty of the Legislature to provide by a general law for the creation of corporations for all other purposes.

On motion of Mr. Mabry, the previous question was ordered.

The question being the engrossment of the ordinance, on which the Yeas and Nays were called, and stood:

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Flanagan, Gentry, Giddings, Gurley, Hancock, Hart, Henderson, Ireland, Johnson of

Tarrant, Jones of Bexar, Ledbetter, Lindsey, Mabry, Murchison, Nelson, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Richardson, Roberts, Saunders, Saufley, Shepard, Shields, Smith of Colorado, Taylor of Houston, Tyus, Varnell, Waul and Whitfield—45.

Nays—Messrs. Anderson, Ball, Bradshaw, Camp of Upshur, Davis of Cherokee, Parsons, Record, Runnels, Selman, Shaw and Woods—10.

So the ordinance was ordered to be engrossed.

On motion, Convention adjourned until 9½ o'clock, A. M., to-morrow.

SATURDAY, March 31st, 1866.

Convention met, pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

Mr. Ireland moved to suspend the reading of the journal, and proceed to the consideration of the regular business on the table.

Carried.

The report of the committee on General Provisions, reporting amendments to Sec. 10, Art. VII, General Provisions of the Constitution, was taken up.

Question being on the engrossment of the ordinance, the same was put, and ordered.

On motion of Mr. Richardson, the rule was suspended, and the ordinance taken up, read a third time, and passed.

An ordinance reported by committee on Finance, in favor of paying troops called out prior to secession, for protection of the frontier, was taken up.

Mr. Bacon offered the following as a substitute for the ordinance: Strike out all after the caption, and insert the following:

Be it ordained, by the People of the State of Texas, in Convention assembled, That the sum of three thousand one hundred and fifty-eight dollars and seventy-four cents, the amount shown to be due on the pay rolls of said troops, be and the same is hereby recognized as a valid and subsisting claim against the State of Texas; and it shall be the duty of the Legislature of said State, at its first session, to provide for the payment of the same to the persons entitled thereto, or to their legal representatives.

The question being upon the adoption of the substitute, the same was put, and it was adopted.

Mr. Norris offered the following amendment:

Be it ordained by the People of Texas, in Convention assembled, That all Warrants issued for the payment of troops called into service of the State by His Excellency Governor Houston, previous to 2d day of March, 1861, (which remain in the hands of the original owners, their heirs, or legal representatives,) are hereby validated, and the Legislature, at its first session hereafter, shall provide for the payment of the same; and all amounts due for said service, for which Warrants have not been issued in payment thereof, is hereby validated in like manner.

Mr. Davis of Cherokee moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Bumpass, Camp of Upshur, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Perry, Saunders, Shuford, Shaw, Smith of Lamar, Taylor of Houston, and Thomas of Cameron—18.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Davis of Webb, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norris, Norton, Parker, Parsons, Paschal, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Shields, Thompson, Tyus, Varnell, Walker, Waul and Woods—33.

So the House refused to lay the substitute.

Question recurring on the adoption of the substitute, the same was put, and the amendment adopted.

Mr. Reeves offered to amend the substitute as follows:

Strike out so much of the substitute as provides that the Warrants must be held by the original holder, his heirs or assigns.

Mr. Flanagan moved the previous question. Seconded.

And the question being, shall the main question be now put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bumpass, Camp of Upshur, Drake, Flanagan, Hart, Latimer, Middleton, Richardson, Saunders, Thomas of Cameron, Varnell, Waul and Whitfield—16.

Nays—Messrs. Ball, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Runnels, Shields, Slaughter, Thompson, Tyus, Walker, and Woods—34.

So the House refused to order the main question.

Question recurring on the amendment of Mr. Reeves, Mr. Davis of Cherokee moved to lay the amendment on the table.

Lost.

Question recurring on the adoption of the amendment, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Armstrong, Ball, Benge, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Lindsey, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Runnels, Selman, Shields, Shaw, Slaughter, Thompson, Tyus, Walker, and Woods—37.

Nays—Messrs. Bacon, Bumpass, Camp of Upshur, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Saunders, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Waul, Whitfield, and Woods—17.

So the amendment was adopted.

Mr. Ireland offered to amend as follows:

An additional Section.

That all Warrants or evidences of debt against the State before the 2d of March, 1861, that have been merged in new evidences of debt, issued or provided for since the said 2d day of March, 1861, shall be binding and subsisting claims against the State.

Mr. Davis of Cherokee moved to lay the amendment on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Hill, Latimer, Middleton, Murchison, Norton, Parker, Parsons, Richardson, Saunders, Shields, Shaw, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Varnell, Walker, Waul, and Whitfield—32.

Nays—Messrs. Ball, Bradshaw, Gentry, Gurley, Hancock, Henderson, Hurt, Ireland, Lindsey, Mabry, Nelson, Paschal, Perry, Phillips, Randolph, Record, Reeves, Runnels, Saufley, Thompson, Tyus, and Woods—23.

So the House voted to lay the amendment on the table.

Mr. Davis of Webb moved the previous question. Seconded. Main question ordered.

Question being on the engrossment of the substitute as amended, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Bacon, Benge, Bradshaw, Camp of Goliad, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Ireland, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Runnels, Saufley, Shields, Shaw, Slaughter, Thomas of Cameron, Thompson, Tyus, Walker, and Woods—45.

Nays—Messrs. Anderson, Ball, Bumpass, Camp of Upshur, Drake, Flanagan, Latimer, Middleton, Saunders, Smith of Lamar, Taylor of Houston, Varnell, Waul, and Whitfield—14.

So the substitute was ordered to be engrossed.

By leave, Mr. Waul introduced the following resolution:

Resolved, That the use of this Hall be tendered to Governor Hamilton at 12 o'clock to-day.

The question being upon the adoption of the resolution, the same was put, and it was adopted.

By leave, Mr. Jones of Bexar introduced the following ordinance:

Be it ordained by the people of Texas in Convention assembled, That the following caption be adopted for the amended Constitution: "We, the people of Texas, acknowledging with gratitude the grace of God in permitting us to make choice of our form of Government, do ordain and establish this Constitution."

Read a first time.

On motion, rule suspended, ordinance read a second time, and ordered to be engrossed.

On motion, rule further suspended, ordinance read a third time, and placed on its passage, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Jones of Bexar, Latimer, Lindsey, Mabry, Middleton, Murchison, Norton, Parker, Parsons, Paschal, Perry, Phillips, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Saunders, Saufley, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Waul, and Woods—48.

Nays—Messrs. Ireland, Nelson, Norris, Runnels, and Thompson—5.

Mr. Parker moved to suspend the rule, and take up the ordinance validating certain Warrants for the payment of frontier troops.

Mr. Bumpass moved a call of the House.

Lost.

Question recurring on the motion to suspend the rule, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Ball, Beall, Bradshaw, Dalrymple, Davis of

Webb, Davis of Cherokee, Gentry, Gurley, Hancock, Hart, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Murchison, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shields, Shuford, Shaw, Smith of Lamar, Thomas of Cameron, Thompson, Walker, and Woods—44.

Nays—Messrs. Anderson, Armstrong, Bacon, Bumpass, Camp of Goliad, Camp of Upshur, Degener, Drake, Flanagan, Latimer, Middleton, Saunders, Taylor of Houston, Varnell, Waul, and Whitfield—16.

So the House refused to suspend the rule.

Mr. Walker asked leave to introduce a resolution.

On motion, Convention adjourned till ½ after 3 o'clock.

3½ O'CLOCK, P. M.

Convention met; roll called; quorum present.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 31st, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention.

The committee on Engrossed and Enrolled Ordinances have examined an ordinance defining the 37th section of the General Provisions of the Constitution, and an ordinance making valid the laws and acts of officers therein mentioned, and for other purposes, and have found the former correctly engrossed, and the latter properly enrolled and signed.

Received and accepted.

Question being on the suspension of the rules to take up an ordinance proposed to be introduced by Mr. Walker, rule suspended, and the following ordinance introduced by Mr. Walker, and taken up by the House:

Be it ordained by the people of the State of Texas, in Convention assembled, That it shall be the duty of the Legislature, at its first session, and from time to time thereafter, to divide the State into convenient judicial districts, so as to assign to each Judge, as nearly as practicable, thirty-two weeks of judicial labor per annum; and upon such divisions and assignment of labor, the District Judges and District Attorneys of those districts which may be divided and parceled out to other districts shall thenceforth cease to hold their offices: *Provided*, however, that unless the amendments to the Constitution shall be ratified by the people, this ordinance shall be null and void.

Read a first time.

Rule suspended on motion, and ordinance read a second time, and ordered to be engrossed.

Rule further suspended, ordinance read a third time, and passed.

Ordinance substituting Sec. 37, General Provisions, taken up, read a third time, and placed on its final passage.

Mr. Runnels moved to amend by striking out $15,000, and insert $10,000.

Motion put, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Beall, Bradshaw, Bumpass, Davis of Cherokee, Flanagan, Ireland, Latimer, Lindsey, Mabry, Middleton, Murchison, Parsons, Perry, Ranck, Roberts, Runnels, Saunders, Shaw, Tyus, Whitfield, and Woods—24.

Nays—Messrs. Bacon, Camp of Goliad, Camp of Upshur, Dalrymple, Degener, Gentry, Gurley, Hart, Henderson, Hurt, Jones of Bexar, Nelson, Norton, Norris, Parker, Paschal, Phillips, Randolph, Record, Saufley, Shields, Smith of Lamar, Taylor of Houston, Varnell, Walker, and Waul—26.

Question recurring on the final passage of the ordinance, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Dalrymple, Davis of Webb, Degener, Drake, Flanagan, Gentry, Gurley, Hancock, Hart, Henderson, Hurt, Jones of Bexar, Latimer, Lindsey, Mabry, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Randolph, Record, Roberts, Saufley, Shields, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Walker, Waul and Whitfield—39.

Nays—Messrs. Ball, Benge, Bradshaw, Camp of Upshur, Davis of Cherokee, Ireland, Middleton, Ranck, Runnels, Saunders, and Shaw—11.

So the ordinance was passed.

Ordinance appropriating certain moneys to W. A. Smith *et al.*, because of services as teachers in the Blind Asylum, at Austin, taken up.

Question being on the motion of Mr. Saunders to lay the substitute on the table, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Bumpass, Camp of Upshur, Drake, Flanagan, Hart, Latimer, Middleton, Parker, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Waul, Whitfield and Woods—21.

Nays—Messrs. Bacon, Ball, Bradshaw, Davis of Webb, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norton, Norris, Parsons, Paschal, Perry, Randolph, Record, Roberts, Runnels, Saufley, Smith of Lamar, Tyus and Walker —29. So Convention refused to table the substitute.

The question being on the adoption of the substitute, the said substitute was amended as follows:

After ——, in the — line, add amounting to $2800.

Question recurring on the adoption of the substitute, and the Yeas and Nays being called, stood:

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Bradshaw, Davis of Webb, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Norton, Norris, Parker, Parsons, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shields, Slaughter, Thompson, Tyus, Walker, Waul and Woods—35.

Nays—Messrs. Anderson, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Hart, Latimer, Middleton, Nelson, Paschal, Perry, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Varnell and Whitfield—23.

So the substitute was adopted.

Question being on the engrossment of the substitute,

Mr. Davis of Webb moved to amend as follows:

At the end of the substitute, as follows: And the amount really due under these claims shall first be ascertained and reported upon by the Comptroller.

Adopted.

Mr. Ranck moved to amend as follows:

Amend by striking out all that part referring to undrawn salaries.

On a motion to lay the amendment of Mr. Ranck on the table, the Yeas and Nays were called, and stood:

Yeas—Messrs. Ball, Beall, Bradshaw, Davis of Webb, Gentry, Gurley, Hancock, Henderson, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Nelson, Norton, Norris, Parker, Parsons, Perry, Randolph, Record, Reeves, Roberts, Runnels, Saufley, Selman, Shields, Slaughter, Smith of Lamar, Tyus, Walker, Waul and Woods—33.

Nays—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Degener, Drake, Flanagan, Hart, Latimer, Middleton, Paschal, Phillips, Ranck, Saunders, Shaw, Taylor of Houston, Thomas of Cameron, Varnell and Whitfield.

So the amendment was laid on the table.

Mr. Whitfield proposed an amendment.

Mr. Gentry moved the previous question.

Mr. Hart moved call of the House.

Ordered.

Mr. Runnels moved a suspension of the call.

Lost.

Mr. Camp of Goliad moved to adjourn till 7½ o'clock.

Lost.

Roll called. Absentees—Messrs. Porter, Shuford, Varnell and Degener.

By leave, Mr. Jones of Bexar introduced following ordinance;

AN ORDINANCE.

Be it ordained by the people of Texas, in Convention assembled, That all the State, County and District Officers, under the Constitution as proposed to be amended, shall be elected on the fourth Monday in June next; if the amendments to the Constitution are adopted by the people the officers elected shall hold their offices under the Constitution as amended, and if rejected they shall hold their offices under the present Constitution.

Read a first time.

On motion, rule suspended, ordinance taken up, read a second time, and ordered to be engrossed.

Rule further suspended, ordinance read a third time, and passed.

By leave, Mr. Beall offered following resolution:

Resolved, That the Secretary of this Convention be required to superintend the publication of the Journals of this Convention, and to distributing the same as contemplated by the resolution ordering the printing of the Journals; and that he be continued in office for the purpose until said work shall have been completed: He shall be further required to take charge of and forward the letters, and other mail matter, that may come to any member, and forward such documents of the Convention as each member may be entitled to.

On motion, Mr. Smith of Lamar was excused from attendance on the Convention, during the day and night, on account of indisposition.

On motion, the Convention adjourned till half after 7 o'clock to-night, pending Mr. Beall's resolution.

7½ O'CLOCK, P. M.

Convention met pursuant to adjournment; roll called; quorum present.

Resolution pending at last adjournment, namely, that authorizing the Secretary to superintend the printing of the Journals, &c., of the Convention, taken up.

Mr. Flanagan moved to lay the resolution on the table.

Lost.

Question recurring on the adoption of the resolution, the Yeas and Nays were ordered, and stood:

Yeas—Messrs. Anderson, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Gentry, Gurley, Hancock, Henderson, Hill, Ireland, Mabry, Middleton, Nelson, Norris, Perry, Porter, Record, Reeves, Roberts, Runnels, Saunders, Saufley, Shaw, Slaughter, Taylor of Houston, Tyus, Waul, Whitfield and Woods—36.

Nays—Messrs. Armstrong, Davis of Webb, Flanagan, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Murchison, Norton, Parker, Phillips, Ranck, Richardson, Shields and Thomas of Cameron—15.

Mr. Parker asked leave to introduce a resolution.

The motion was put, and lost.

Mr. Norton introduced, by leave, the following resolution:

Resolved, That Article XIII, Schedule of the Convention of 1845, Section 2 of Article XI, and, also, Section 36 of Article VII, General Provisions, be stricken out, the same being obsolete.

Read first time.

Rule suspended, read second time, and ordered to be engrossed.

Rule further suspended, read third time, and passed.

Mr. Beall offered the following resolution:

Resolved, That this Convention will stand adjourned, *sine die*, Monday, 2d April, at 10 o'clock, A. M.

Mr. Jones of Bexar moved to amend by inserting 1 o'clock, P. M.

Adopted.

Mr. Gentry moved to amend by inserting Tuesday in lieu of Monday.

Lost.

Question being on the adoption of the resolution, the same was put, and adopted.

Ordinance exempting the county of Orange from taxation for one year was taken up.

The same was read, and ordered to be engrossed.

On motion of Mr. Waul, rule was suspended, and ordinance taken up for a third reading.

Mr. Randolph, chairman of committee on Enrolled and Engrossed Ordinances, made following report:

COMMITTEE ROOM, March 31st, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The commmittee on Engrossed and Enrolled Ordinances have examined the following ordinances, and find them properly enrolled and signed:

An Ordinance, defining the 37th section of the General Provisions of the Constitution.

An Ordinance, amending Section 10 of the General Provisions of the Constitution.

An Ordinance, adopting caption for the Amended Constitution.

An Ordinance, fixing the time for the election of officers under the Amended Constitution.

And An Ordinance, to equalize the labor, and make uniform the terms, of Judicial Districts.

The committee has also examined ordinance validating warrants issued for the payment of troops called into service prior to the 2d day of March, 1861, and find the same correctly engrossed.

Respectfully submitted.

Read, and accepted.

Question recurring on the ordinance for the relief of the people of Orange county, the same was put, and the ordinance was passed.

Mr. Runnels moved to suspend the call of the House.

Lost.

The report of Judiciary Committee, touching a valuation upon forced sales, taken up, and report adopted.

Ordinance providing the mode and manner of calling a Convention taken up, read a second time, and ordered to be engrossed.

Rule suspended, ordinance read a third time, and passed.

The engrossed ordinance validating certain warrants, therein named, issued to troops called out by General Houston, taken up, read a third time, and passed.

Ordinance providing for a stay of execution, &c., taken up, read a second time, and the question being on its engrossment,

Mr. Waul moved to amend as follows:

SEC. —. *Be it further ordained*, That whenever, by reason of any ordinance passed by this Convention, any right of action is revived, which, under the operation of the laws heretofore enacted, may have been barred by limitations, the same shall be maintained only on condition that no interest on the claim shall be allowed from and after the same was barred.

SEC. —. *Be it further ordained*, That no execution shall issue in any case until the Legislature shall so provide.

And the question being on the adoption of said amendment, a motion was made to lay on the table, and the Yeas and Nays being called, stood.:

Yeas—Messrs. Bacon, Beall, Bumpass, Camp of Upshur, Davis of Webb, Hancock, Hart, Ireland, Johnson of Tarrant, Mabry, Murchison, Norton, Ranck, Saunders and Shaw—15.

Nays—Messrs. Anderson, Armstrong, Benge, Bradshaw, Camp of Goliad, Dalrymple, Drake, Flanagan, Gentry, Henderson, Latimer, Middleton, Nelson, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield and Woods —36.

Mr. Shields offered the following amendment to the amendment:

Insert in lieu of "after same was barred," "1st day of March, 1861."

And the Yeas and Nays being called, on the adoption of said amendment to the amendment, stood:

Yeas—Messrs. Benge, Dalrymple, Flanagan, Gentry, Gurley, Hill, Johnson of Tarrant, Latimer, Mabry, Middleton, Norris, Perry, Porter, Record, Reeves, Richardson, Runnels, Saufley, Shields, Shuford and Varnell—21.

Nays—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Bradshaw, Camp of Goliad, Camp of Upshur, Davis of Webb, Degener, Drake, Hancock, Hart, Murchison, Norton, Parker, Parsons, Paschal, Phillips, Ranck, Randolph, Roberts, Saunders, Thomas of Cameron, Walker, Waul, Whitfield and Woods —28.

Mr. Camp of Upshur offered to amend as follows:

Provided, That Clerks of the District and Supreme Court shall be allowed to issue execution for costs and sheriffs' fees in each case, when a judgment is rendered.

Mr. Flanagan moved to lay on the table.

Carried.

Mr. Hart moved to amend as follows:

Provided, That Hunt county shall be excepted from the operation of this ordinance.

Accepted.

Question being on adoption of Mr. Waul's amendment, and the Yeas and Nars being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Benge, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Flanagan, Gentry, Gurley, Hart, Johnson of Tarrant, Latimer, Mabry, Middleton, Norton, Parker, Perry, Phillips, Porter, Ranck, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Shaw, Tyus, Walker, Waul, Whitfield and Woods—36.

Nays—Messrs. Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Hancock, Henderson, Hill, Murchison, Norris, Parsons, Paschal, Saunders, Selman and Thomas of Cameron—15.

Mr. Gentry offered the following as an amendment to the 1st section.

Strike out "conditioned that the security shall be given upon the property of the debtors."

Adopted.

Mr. Roberts offered following amendment:

"Strike out the Section 3, relating to statute of limitation."

Mr. Flanagan offered the following for the 1st, 2d, 3d, 4th, and 5th sections of the ordinance:

"There shall be a stay of execution on all judgments heretofore rendered, or that may hereafter be rendered, until the adjournment of the first Legislature convened after the adjournment of this Convention, leaving the matter with the Legislature."

Adopted.

Question being on the engrossment of the substitute, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Ball, Benge, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of Cherokee, Drake, Flanagan, Gentry, Johnson of Tarrant, Latimer, Mabry, Middleton, Nelson, Norton, Norris, Perry, Phillips, Porter, Ranck, Randolph, Reeves, Roberts, Runnels, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Varnell, Walker, Waul, Whitfield and Woods—37.

Nays—Messrs. Bacon, Davis of Webb, Hancock, Murchison, Parker, Paschal, Saunders and Thomas of Cameron—8.

So the ordinance was ordered to be engrossed.

Mr. Waul moved to reconsider the vote ordering the engrossment of the ordinance.

Mr. Mabry moved to lay the motion to reconsider on the table.

Carried.

Mr. Gentry moved to suspend the rule, and place the ordinance as engrossed on its third and final reading, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Ball, Beall, Benge, Camp of Goliad, Camp of Upshur, Dalrymple, Davis of

Cherokee, Drake, Flanagan, Gentry, Gurley, Hart, Henderson, Hill, Johnson of Tarrant, Latimer, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Perry, Phillips, Porter, Ranck, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Shuford, Slaughter, Taylor of Houston, Tyus, Walker, Waul, Whitfield and Woods—46.

Nays—Messrs. Bradshaw, Davis of Webb, Degener, Hancock, Ireland, Jones of Bexar, Murchison, Parker, Saunders, Selman, Thomas of Cameron, and Varnell—12.

Mr. Parker moved to reconsider the vote refusing to suspend the rule.

Carried.

Question being on the suspension of the rule, the same was put, and the rule suspended.

Ordinance taken up, and

On motion of Mr. Hart, amended as follows:

"*Provided*, Hunt county shall be exempt from the operation of the ordinance."

Ordinance read a third time, and passed.

The House being announced as full, the call was suspended.

On motion of Mr. Saunders, a call of the House was ordered.

Mr. Paschal asked leave to introduce an ordinance.

Not granted.

Mr. Hancock moved to adjourn till 9½ o'clock Monday morning.

Yeas and Nays were ordered and stood:

Yeas—Messrs. Armstrong, Benge, Bumpass, Camp of Goliad, Drake, Hancock, Hart, Hill, Latimer, Murchison, Nelson, Parsons, Ranck, Record, Saufley, Thomas of Cameron, Varnell, Whitfield and Woods—19.

Nays—Messrs. Anderson, Bacon, Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Middleton, Norton, Norris, Parker, Paschal, Perry, Phillips, Porter, Reeves, Roberts, Runnels, Saunders, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus, Walker and Waul—40.

Mr. Gurley moved to suspend the call of the House. Lost.

Mr. Hancock moved to adjourn till 9½ o'clock to-morrow, and the Yeas and Nays being called, stood thus:

Yeas—Messrs. Anderson, Armstrong, Bacon, Benge, Bumpass, Camp of Goliad, Drake, Hancock, Hart, Hill, Nelson, Ranck, Record, Saunders, Thomas of Cameron, Varnell, Whitfield and Woods—18.

Nays—Messrs. Ball, Beall, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Lindsey, Mabry, Middleton, Murchison, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Porter, Reeves, Richardson, Roberts, Runnels, Saufley, Selman, Shields, Shuford, Slaughter, Thompson, Tyus, Walker and Waul—38.

Ordinance to grant 320 acres of land to actual settlers taken up, read a second time.

Mr. Mabry moved to amend as follows:

Amend by adding after the enacting clause "that the Legislature shall never dispose of any part of the public domain of the State by pre-emption."

On motion to lay the above amendment on the table, the Yeas and Nays were called for, and stood:

Yeas—Messrs. Armstrong, Bacon, Ball, Beall, Benge, Bradshaw, Bumpass, Camp of Goliad, Davis of Webb, Davis of Cherokee, Degener, Drake, Flanagan, Gurley, Hart, Hill, Hurt, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Middleton, Murchison, Nelson, Norton, Norris, Parker, Parsons, Paschal, Perry, Phillips, Reeves, Richardson, Roberts, Saunders, Selman, Shields, Shuford, Taylor of Houston, Tyus, Varnell, Walker, Waul and Woods—44.

Nays—Messrs. Anderson, Camp of Upshur, Hancock, Ireland, Mabry and Whitfield—6.

Question recurring on the engrossment of the ordinance,

Mr. Davis of Cherokee moved the previous question.

Seconded.

Mr. Mabry moved to adjourn till 9½ o'clock Monday morning, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Armstrong, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Drake, Hancock, Hart, Henderson, Hill, Mabry, Nelson, Paschal, Randolph, Thomas of Cameron, Varnell, Whitfield and Woods—19.

Nays—Messrs. Ball, Benge, Bradshaw, Dalrymple, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Lindsey, Middleton, Murchison, Norton, Norris, Parker, Parsons, Perry, Phillips, Porter, Ranck, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus and Waul—40.

Mr. Mabry moved a call of the House. Lost.

Mr. Hancock moved to adjourn till Monday morning, 10 o'clock, and the Yeas and Nays being called for stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Hancock, Hart, Henderson, Hill, Mabry, Nelson, Paschal, Porter, Randolph, Saunders, Thomas of Cameron, Whitfield and Woods—22.

Nays—Messrs. Ball, Benge, Bradshaw, Davis of Webb, Davis of Cherokee, Degener, Flanagan, Gentry, Gurley, Ireland, Johnson of Tarrant, Latimer, Lindsey, Middleton, Murchison, Norton, Norris, Perry, Phillips, Ranck, Reeves, Richardson, Roberts, Saufley, Selman, Shields, Shuford, Slaughter, Taylor of Houston, Thompson, Tyus, Varnell, Walker and Waul—34.

The main question was ordered, which was the engrossment of the ordinance.

The Yeas and Nays were ordered, and stood:

Yeas—Messrs. Armstrong, Bacon, Ball, Benge, Bradshaw, Camp of Goliad, Dalrymple, Davis of Webb, Degener, Gurley, Hill, Johnson of Tarrant, Latimer, Lindsey, Murchison, Norton, Norris, Parker, Perry, Phillips, Ranck, Record, Reeves, Roberts, Saunders Shields, Shuford, Slaughter, Varnell, Walker and Waul—31.

Nays—Messrs. Anderson, Beall, Bumpass, Camp of Upshur, Davis of Cherokee, Drake, Flanagan, Hancock, Hart, Ireland, Mabry, Middleton, Nelson, Parsons, Paschal, Porter, Randolph, Richardson, Saufley, Selman, Taylor of Houston, Thomas of Cameron, Thompson, Tyus and Whitfield—25.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Lost.

Mr. Lindsey asked and was excused on account of sickness.

Report of committee on Condition of the State, in relation to division of the State, was taken up, and read.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Yeas and Nays ordered, and stood:

Yeas—Messrs. Anderson, Armstrong, Bacon, Beall, Bumpass, Camp of Goliad, Camp of Upshur, Dalrymple, Drake, Hancock, Hart, Henderson, Hill, Lindsey, Middleton, Paschal, Porter, Randolph, Record, Shaw, Taylor of Houston, Whitfield and Woods—23.

Nays—Messrs. Ball, Benge, Bradshaw, Davis of Webb, Degener, Flanagan, Gentry, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Latimer, Mabry, Murchison, Nelson, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Reeves, Richardson, Roberts, Runnels, Saunders, Saufley, Selman, Shields, Shuford, Thomas of Cameron, Thompson, Tyus, Varnell, Walker, and Waul—37.

So the Convention refused to adjourn.

The President announced that the House was full, which suspended the call.

So the question on the engrossment of the ordinance providing to pay the claims of W. A. Smith, *et al.*,

Mr. Whitfield offered a substitute as follows:

Be it ordained, That the Comptroller of the Treasury shall audit the accounts of the Superintendents of the Blind, Deaf and Dumb, and Lunatic Asylums and ascertain the amounts due each, for salaries and liabilities incurred after the 31st day of May, 1865, up to the time Governor Hamilton took charge of the State Government, and such amounts as he may find due each, he shall issue his warrants for the same, and it shall be the duty of the Legislature to provide for the payment of the same.

Mr. Saunders offered an amendment as follows:

Be it further ordained, That such of the State officers and clerks who drew no pay from the treasury in any description of funds from the 2d day of March, 1861, to the 15th day of June, 1865, and who faithfully performed the duties of their offices, shall be entitled to receive a warrant, from the Comptroller, for the amount undrawn, which warrant shall be paid by the State Treasurer in United States currency.

Declared out of order.

Laid on the table.

Question recurring on adoption of the substitute,

Mr. Whitfield offered to amend as follows:

Be it further ordained, That the Comptroller of the Treasury shall ascertain the amount of undrawn salaries of the deaf and crippled clerks of the different departments, and issue his warrant for the same, which shall be paid by the Legislature.

Laid on the table.

Mr. Gurley offered the following as a substitute:

Provided, That the undrawn salaries of teachers of the Blind Asylum, amounting to $2,800, be paid, and also the sum of $380 to Misses Rust.

Adopted.

Question being on the engrossment of the ordinance, the same was ordered.

Motion was made to suspend the rule, and take up the ordinance for a third reading.

Yeas and Nays were ordered, and stood:

Yeas—Messrs. Bacon, Ball, Beall, Bradshaw, Bumpass, Davis of Webb, Davis of Cherokee, Degener, Drake, Gentry, Gurley, Hancock, Henderson, Hill, Hurt, Ireland, Johnson of Tarrant, Jones of Bexar, Mabry, Middleton, Nelson, Norton, Norris, Parsons, Paschal, Perry, Porter, Randolph, Record, Reeves, Richardson, Roberts, Runnels, Saufley, Shields, Slaughter, Taylor of Houston, Thompson, Tyus, Walker and Waul—41.

Nays—Messrs. Anderson, Armstrong, Camp of Goliad, Camp of Upshur, Flanagan, Hart, Latimer, Murchison, Parker, Phillips, Ranck, Saunders, Shuford, Shaw, Thomas of Cameron, Varnell, Whitfield and Woods—18.

So House refused to suspend the rule.

Mr. Hart moved to adjourn till 9 o'clock Monday morning.

Lost.

Mr. Henderson raised the point of order, that the bill had been read three several days, it being past the hour of 12 o'clock at night.

The Chair was sustained.

Mr. Davis of Cherokee moved to reconsider the vote adjourning the Convention on Monday the 2d of April.

Mr. Randolph, from committee on Engrossed and Enrolled Ordinances, made the following report:

COMMITTEE ROOM, March 31st, 1866.

To Hon. W. M. Taylor, President pro tem. of Convention:

The committee on Engrossed and Enrolled Ordinances have examined the following ordinances, and find them correctly enrolled aud properly signed:

An Ordinance for the relief of the people of Orange county.

An Ordinance validating all warrants issued for the payment of troops called into service prior to the 2d day of March, 1861.

An Ordinance striking out Article XIII, Schedule of the Constitution of 1845, Section 2d of Article XI, and Section 36 of Article VII, General Provisions.

An Ordinance defining the 37th and 38th sections of the General Provisions of the Constitution.

An Ordinance concerning the collection of debts.

BENTON RANDOLPH, Chairman.

Mr Jones of Bexar offered following resolution:

Resolved, That the delegate from Van Zandt (Mr. Norton) be authorized to superintend the printing and distribution of the Constitution as amended, and approve the account of the printer for the same, which shall be sufficient authority for its payment by the Treasurer, and that the per diem of the delegate be continued while so employed, after the adjournment, for not more than three days.

Adopted.

Mr. Jones of Bexar made following report from committee on Printing, &c.:

COMMITTEE ROOM, 31st March, 1866.

Hon. W. M. Taylor, President pro tem. of the Convention:

The committee on Printing and Contingent Expenses report the accompanying accounts as approved by the committee, for printing and contingent expenses:

EXPENSES OF CONVENTION TO 31ST MARCH.

Post Office, bill to date,	$475	87
Petmecky, bill for locks and keys,	12	00
Biberstein & Melasky,	81	74
Gust Palm, for repairing clock,	10	00
Domschke, for repairs to lamp,	5	00
Sampson & Henricks,	196	90
A. B. Palm's bill,	221	53
Intelligencer, bill up to 16th March, inclusive,	933	00
Gazette, bill from 1st March up to 20th do.,	655	00
Sampson & Henricks, bill 16th March,	3	50
A. B. Palm, 27th March,	2	90
Leigh Chalmers, for Porter,	75	00
Ashford Miner, Page,	126	00
Henry Briggs, Page,	30	00
John Burleson, Page,	99	00
C. Holmes, Porter,	18	00
Gazette, bill from 22d to 31st March, inclusive,	435	00
Telegraph, bill for advertising,	9	00
Post Office, bill,	110	12
Intelligencer,	406	00
Robert Homan, Page,	30	00
Spencer Pierce,	28	00
Edward Carrington,	54	00
Blucher Hutchins,	126	00
Phillip Calhoun,	165	00
Jacob Rust,	165	00
Stuart TenEyck,	165	00
John Burleson, Page,	15	00
— Hampton, Page,	15	00
	$4,771	56

Ordinance for division of State taken up, and read.

Mr. Bradshaw moved to adjourn till 8 o'clock Monday morning. Lost.

Mr. Bradshaw moved a call of the House.

Not seconded.

Mr. Norris offered a substitute for the bill.

On motion of Mr. Saufley, Convention adjourned till 9 o'clock Monday morning, pending substitute of Mr. Norris.

MONDAY, April 2d, 1866.

Convention met pursuant to adjournment; prayer by the chaplain; roll called; quorum present; journal of yesterday read and adopted.

By leave, Mr. Norton introduced the following ordinance:

Resolved, That Art. III, Legislative Department, be amended by adding to the same the following section:

SEC. 32. The Legislature shall proceed as early as practicable to elect Senators to represent this State in the Senate of the United States, and also provide for the election of Representatives to the Congress of the United States.

Read a first time.

Rule suspended, ordinance read a second time, and ordered to be engrossed.

On motion, rule further suspended, ordinance read a third time, and passed.

By leave, Mr. Henderson *et al.* filed the following protest:

The undersigned members of the Convention beg leave to enter their solemn protest against the passage of the ninth section of an ordinance, making valid the laws and acts of officers therein mentioned, and for other purposes, and to make the following statement of the facts that led to the necessity of placing our names on the journal, in favor of a proposition that we believe to be utterly inconsistent with, and obnoxious to every principle of justice. This section was reported by the committee on the Judiciary, and its adoption recommended in connexion with a large number of other matters that we deem to be, not only of paramount importance to the country, but indispensable to its peace and prosperity, as will be seen by reference to the first and other sections of this ordinance. When this ordinance came up for action, both on its engrossment and final passage, it was taken up and acted on section by section, and before opportunity was given for amending or striking out this section, the previous question was ordered both on the second and third reading, and hence we were driven to the alternative of recording our votes in favor of this section in order to avoid the defeat of that portion of the ordinance that we regarded as absolutely indispensable to the security and well being of the country.

J. W. HENDERSON,
M. T. JOHNSON,
A. M. GENTRY,
J. M. LINDSEY,
AMZI BRADSHAW,
E. J. GURLEY,
J. H. PARSONS,
BENJ. R. TYUS,
WM. M. TAYLOR.

The undersigned members of the Convention beg leave to enter their solemn protest against the passage of the third section of "an ordinance declaring the war debt void, and for other purposes," and assign our reasons for voting against the passage of the same, and stating the facts that compelled us to place our names on the journals against a proposition that embodied one of the acts necessary for the proper restoration of our State as one of the States in the Union. With a desire to cheerfully comply with the requirements of the President's restoration policy, by declaring the war debt *void*, still, as the same was coupled with a proposition to repudiate all of the civil debt of the State, even that created for the support and maintenance of the public Asylums, which we had endeavored at every stage of the ordinance to have stricken out, or modified, but all our exertions were overridden by a determined majority, who refused even our efforts to have said 3d section submitted to a direct vote of the people; therefore, we felt compelled by our sense of justice, and regard for public rectitude, to vote against the whole ordinance, as being utterly inconsistent with, and obnoxious to every principle of good faith. *And holding that national integrity is essential to national prosperity*, we file this, our protest, as a vindication of our action in what we believe to be a solemn and sacred duty to our country, and the honesty of our purpose.

J. W. HENDERSON,
B. T. SELMAN,
D. C. DICKSON,
J. H. PARSONS,
A. M. GENTRY,
WM. M. TAYLOR,
J. K. P. RECORD,
M. T. JOHNSON,
AMZI BRADSHAW,
BENJ. R. TYUS.

Mr. Randolph, chairman of committee on Engrossed and Enrolled Ordinances, made following report:

COMMITTEE ROOM, April 2d, 1866.

Hon. Wm. M. Taylor, President, pro tem., of Convention:

The committee on Engrossed and Enrolled Ordinances have examined and found correctly engrossed an ordinance donating three hundred and twenty acres of land to every settler; and an ordinance to provide for the payment of the salaries of, and liabilities incurred, by the officers of the Blind, Deaf and Dumb, and Lunatic Asylums.

Read, and accepted.

Mr. Davis of Cherokee offered the following resolution:

Resolved, That the Clerk of the Convention be, and he is hereby directed to furnish to the delegates selected to repair to Washington, and present to the President the ordinances of a general character, passed by this Convention, an authenticated copy of all such ordinances.

Adopted.

On motion of Mr. Flanagan, House proceeded to the consideration of the

ORDERS OF THE DAY.

Question pending at the hour of the last adjournment, viz: An ordinance touching a division of the State, again taken.

Question being on the substitute of Mr. Norris, on motion of Mr. Davis of Webb, the previous question was ordered, and being put, (the main question being the engrossment of the ordinance,) the ordinance was ordered to be engrossed.

On motion, rule suspended, and the ordinance read a third time, and placed on its passage, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Armstrong, Benge, Dalrymple, Davis of Webb, Davis of Cherokee, Flanagan, Gurley, Henderson, Latimer, Lindsey, Mabry, Middleton, Murchison, Nelson, Norton, Parker, Parsons, Perry, Phillips, Ranck, Reeves, Saunders, Selman, Shields, Shuford, Smith of Lamar, Taylor of Houston, Thomas of Cameron, Tyus, Waul and Woods—31.

Nays—Messrs. Anderson, Ball, Bradshaw, Bumpass, Drake, Gentry, Hancock, Harwood, Hill, Johnson of Tarrant, Norris, Porter, Randolph, Record, Shaw, Thompson, and Whitfield—17.

Mr. Bumpass and others submitted the following protest:

I stand here to protest, in positive terms, against any and all measures looking to a division, either now or hereafter, of the great State of Texas; against giving the people of any portion of the State the power of doing the same. I declare, that in my judgment, nothing would be more suicidal, nothing more dangerous, nothing more disastrous to the people of this State, and the people of the great south-west, than the adoption of this uncalled for and unholy measure. It will weaken the influence of the south-west in our national Legislature, if our brethren of the North are ever forgiving enough to allow us our representation there. It will create small States, perhaps antagonistic to each other, instead of presenting an unbroken front in opposition to any measure calculated to injure the interest of the south-western portion of this American republic. It will estrange the interest of persons who, above all others, should be friends. It will, while it may increase the number of Senators in the United States Senate, weaken their influence, by causing their interest to clash. I protest against it because the signs of the times indicate that we are on the very eve of important events, which may terminate forever the existence of civil and religious liberty on this American continent, or that it may be lost for a long time amid the ruins of a military despotism; and then, if Texas shall have remained united, it will have territory sufficient, it may have population great enough, to seize once more the old Star of Texas, and raise it above the common ruin by which it may be surrounded; or, like the brave defenders of the Alamo, go down defending Texas as it was, as it is, and as I pray to God it may always be, undivided, unaltered, and unchanged.

I wish Texas to remain the great territorial State she is, that in a future day, if the worst comes, and amid a conflict for power between parties now organizing, both north and south, American liberty should be lost, that Texas, located far to the south-west, united as she should be, may furnish a nucleus around which may rally the lovers of free and republican government, or furnish sepulchres for the last who desire to perpetuate the boon.

BUMPASS,
M. T. JOHNSON.

I protest, too, against the way and manner this measure has been carried. In this, that under the rules of the Convention, it required a majority of four-fifths of the members to suspend the rule, and on this motion, as many as a half dozen members called in a loud tone of voice for the Yeas and Nays, which call was disregarded by the President presiding, and the vote taken, and proclaimed by him as carried by the sound; and further, because, when the vote was taken on the final passage, it was found that a quorum was not voting, when members were brought in, and required by the President presiding to vote, without the leave of the Convention for them to do so.

JOHN K. BUMPASS,
JOHN HANCOCK,
J. K. P. RECORD,
WM. R. ANDERSON,
ORIN DRAKE,
WELLS THOMPSON,
F. A. HILL,
H. HART,
J. W. WHITFIELD,
A. M. GENTRY.

Mr. Whitfield moved that the Convention now stand adjourned sine die, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Benge, Bumpass, Hancock, Hart, Hill, Mabry, Murchison, Nelson, Record, Saunders, Thomas of Cameron, Thompson, Whitfield and Woods—16.

Nays—Messrs. Armstrong, Ball, Dalrymple, Davis of Webb, Davis of Cherokee, Drake, Flanagan, Gentry, Gurley, Harwood, Henderson, Johnson of Tarrant, Latimer, Middleton, Norton, Norris, Parker, Parsons, Perry, Phillips, Randolph, Reeves, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Taylor of Houston, Tyus, and Waul—30.

House refused to adjourn.

Mr. Davis of Cherokee moved to suspend the rule, to take up a report and ordinance from Finance Committee, touching the substituting of certain United States Bonds with State Bonds, &c.

Carried.

Ordinance taken up, read a first time, and the question being on its engrossment, Mr. Whitfield offered the following as a substitute for the substitute reported by the committee, viz:

AN ORDINANCE,

To provide for the payment, by the State, of the Sums of Money due the Perpetual Public School Fund.

SECTION 1. The Legislature, at its first session, shall provide that the Governor shall cause to be issued the coupon bonds of the State, to an amount equal to the sum now due the perpetual Public School Fund, by the State; said bonds to be placed to the credit of the School Fund. These bonds to draw interest at a rate of not less than six (6 per cent.) per centum per annum; and also, to provide in like manner for the payment of the same due the University fund by the State. The bonds issued as above provided for shall bear interest from the date of their issuance.

Mr. Flanagan moved to lay the substitute on the table, and the Yeas and Nays being called for, stood thus:

Yeas—Messrs. Anderson, Bacon, Bradshaw, Camp of Upshur, Dalrymple, Davis of Webb, Drake, Flanagan, Gurley, Hancock, Hart, Hill, Latimer, Middleton, Murchison, Norton, Norris, Parker, Parsons, Perry, Phillips, Ranck, Randolph, Saunders, Shields, Shuford, Shaw, Slaughter, Smith of Lamar, Thomas of Cameron, Tyus, Walker, Waul and Woods—34.

Nays—Messrs. Armstrong, Ball, Gentry, Henderson, Johnson of Tarrant, Lindsey, Mabry, Record, Reeves, Taylor of Houston, Thompson, and Whitfield—12.

Substitute laid on the table.

Mr. Whitfield moved to lay the report and substitute of the Finance Committee on the table.

Carried.

Mr. Thompson filed the following protest:

I protest against the passage of the bill, because, in my judgment, it has been unjustly and illegally passed, and will work injuriously to the good of the whole people of Texas.

WELLS THOMPSON.

On motion, an ordinance touching the subject of mines, minerals, and salines taken up, read a third time and passed.

The engrossed ordinance touching relief for Blind Asylums taken up.

Mr. Ranck moved to amend as follows:

SEC. — *Be it further ordained*, That the Legislature be, and it is hereby required to appropriate, at the earliest practicable moment, out of any funds not otherwise appropriated, the sum of twenty-eight hundred dollars and twenty-eight cents, for the use and benefit of that denomination of Christians, in the city of Austin, commonly called Campbellites, for and in consideration of their beneficent kindness in providing homes and the necessary comforts of life for those unfortunate Blind who were turned out of the Blind Asylum by the Superintendent, W. A. Smith, several months before that reverend gentleman and family vacated that magnificent mansion, the home of the blind!

On motion, laid on the table.

Mr. Bacon moved to indefinitely postpone the engrossed ordinance.

Carried.

Mr. Slaughter moved that a committee be appointed to inform the Provisional Governor that the hour had arrived for the adjournment of the Convention sine die.

The President appointed on said committee Messrs. Slaughter, Gentry, and Johnson of Tarrant.

Having performed duty, the committee reported that the Provisional Governor declared he had no further communication to submit to the Convention.

Mr. Randolph, chairman of committee on Enrolled and Engrossed Ordinances, reported as follows:

COMMITTEE ROOM, April 2d, 1866.

Hon. W. M. Taylor, President, pro tem., Convention:

The committe on Enrolled and Engrossed Ordinances have examined and found correctly enrolled and properly signed the following: an ordinance authorizing the appointment of a commissioner of statistics for the promotion of immigration; an ordinance securing the common school and university funds, and for other purposes; and an ordinance on the subject of mines, minerals, salines, and oil springs.

Read and adopted.

Mr. Norton introduced an ordinance appropriating $5000 in addition to former appropriations, to defray the expenses of the Convention.

Read a first time.

Rule suspeneed, ordinance read a second time, and ordered to be engrossed.

Rule further suspended, ordinance read a third time, and passed.

By leave, Mr. Norton introduced the following resolution:

Rule suspended, and resolution taken up.

Resolved, That the thanks of the Convention are due to the Hon. J. W. Throckmorton, the President of the Convention, and also are hereby tendered to the Hon. David C. Dickson, and the Hon. William M. Taylor, for the able and impartial manner in which they have respectively discharged the duties of President pro tem. of the Convention.

Adopted.

Mr. Norton, one of the committee on Printing, reported as follows:

Hon. D. C. Dickson, President, pro tem., of the Convention:

The committee on Printing and Contingent Expenses, to whom was referred a resolution offered by the delegate from Washington, Mr. Shepard, instructing this committee to inquire into the expediency of having the Debates of the Convention published, and if so to report a plan for the same, and giving the Reporter further time to write out the debates, instruct me to report, That, in consequence of the cost of publishing the debates, and the length of time required by the Reporter to furnish the same, it is deemed unadvisable to report any plan for their publication. The committee have had before them the accompanying statements by the Reporter, (marked A and B,) which I am instructed to lay before the Convention for its information, and to report the following resolution:

Resolved, That the Reporter shall be entitled to receive the per diem pay of a member of this Convention, and that he retain for his own use the notes of debates and proceedings of the Convention; but he shall not be authorized to publish the same, without first submitting to those members whose speeches he proposes to publish, on the principal subjects, the notes of such speeches, for revision and correction.

A. B. NORTON, for the Committee.

(A.)

To the Chairman of Committee on Printing and Cont. Expenses.

The Reporter would make the following propositions to your committee.

The per diem pay of Reporter, for previous or future services, shall be the per diem of two officers of the Convention, ($16;) or, if objection is made to this, then it shall be $10 in gold, or its equivalent, that being the pay which has been paid by the Legislature for such services.

The Reporter will write out, ready for publication, within six weeks after the adjournment of the Convention, the debates, amendments and votes on the Ordinance of Secession, if he be allowed per diem pay for one month for said service. Or

The Reporter will write out, ready for publication, within four months after the adjournment, if paid per diem pay for three of said months, the debates on the Ordinance of Secession, Public Debt, and Status of the Negro, as given in the formation of Article VIII. Or

The Reporter will write out, ready for publication, within seven months after the adjournment, if paid per diem pay for six of said months, the entire debates of the Convention, as full as he has them.

(B.)

To the Committee on Printing and Contingent Expenses.

The Reporter, ascertaining that the proposition made to you was not acceptable, and you would report against it, would make a second proposition. [illegible]

1. Only the debates on the Ordinance of Secession, Ordinance on the Public Debt, and Ordinance fixing the Status of the Negro, shall be published.

2. The Reporter shall be given four months to prepare said debates, and receive for said service $1000; and the Secretary shall give an order on the Treasury for the amount.

3. Messrs. Shepard and Smith of Colorado shall be appointed a committee to receive from the Reporter and revise said debates, and provide for the publication of the same number of copies as of the journals, to be distributed in the same manner; and the following Legislature shall be required to pay the amount of indebtedness incurred in said publication.

Mr. Norton, by leave, offered the following resolution:

Resolved, By the Delegates of the People of Texas, in Convention assembled, that we approve of the efforts of President Johnson to restore the Union of the States, with all their rights unimpaired, and to secure to each its just and proper representation in the National Council; that we believe the same constitutional; and we hereby express our cordial approbation of his restoration policy, and tender to him the thanks of the entire people of Texas, for the noble and patriotic stand he has taken in behalf of Constitutional Liberty.

No action, for want of a quorum.

The hour of 1, P. M., 2d April, 1866, having arrived, and being the hour set for the final adjournment of the Convention, the President rose, and pronounced the Convention adjourned *sine die*.

J. W. THROCKMORTON, *Chairman*.

Attest, Leigh Chalmers, *Secretary*.

NAMES OF DELEGATES.

J. W. Spaight,
King Bryan,
S. A. Wilson,
George W. Smyth,
R. A. Slaughter,
J. O'B. Richardson,
Richard S. Walker,
William Anderson,
Wm. M. Taylor,
J. M. Perry,
Reuben A. Reeves,
Jack Davis,
W. S. Thomas,
Benton Randolph,
W. B. Middleton,
B. G. Shields,
B. R. Tyus,
J. L. Halbert,
A. J. Ball,
Amzi Bradshaw,
M. T. Johnson,
J. K. P. Record,
Alex. Harwood,
M. W. Allen,

George Benge,
J. H. Parsons,
J. W. Flanagan,
P. W. Clements,
John Burke,
C. A. Frazier,
O. M. Roberts,
B. T. Selman,
W. P. Saufley,
J. F. Johnson,
H. P. Mabry,
H. R. Runnels,
W. P. Beall,
J. L. Camp,
Alex. Smith,
A. H. Latimer,
H. W. Nelson,
M. L. Armstrong,
A. P. Shuford,
A. B. Norton,
J. S. Porter,
Hardin Hart,
R. H. Lane,
R. H. Taylor,
J. M. Hurt,
J. K. Bumpass,
J. W. Throckmorton,
H. Stewart,
A. P. McCormack,
J. W. Henderson,
A. M. Gentry,
D. C. Dickson,
J. M. Lindsey,
Wells Thompson,
Z. Hunt,
G. W. Smith,
Hamilton Ledbetter,
D. C. Giddings,
James E. Shepard,
J. Shaw,
George W. Jones,
John Hancock,
Wm. C. Dalrymple,
F. A. Hill,
P. C. Woods,
X. B. Saunders,
E. J. Gurley,
J. M. Norris,
A. H. Phillips,
Wm. M. Varnell,
J. W. Whitfield,
T. N. Waul,
John Ireland,
D. Murchison,
J. E. Ranck,
J. M. Young,
L. B. Camp,
Orin Drake,
I. A. Paschal,
E. Degener,
Wm. E. Jones,
J. B. Thomas,
F. J. Parker,
E. J. Davis,

W. P. Bacon.

INDEX.

A

Anderson, Wm. R., Delegate from Nacogdoches and Angelina, member of committee on Executive Department, Privileges and Elections, 30
Armstrong, M. L., Delegate from Lamar and Hopkins, member of committee on General Provisions, Education, 30
Allen, M. W., Delegate from Denton, member of committee on Legislative Department, 30, Education, 77
Amnesty Oath, Mr. Hancock's amendment to Mr. Paschal's resolution to take the Constitutional oath, 12
Austin Papers, 10 copies for each delegate ordered, 28
  " Report of committee on, 33
  " Resolution to reduce the number to be taken, 34
  " Report of committee on, 52
Apportionment, State to be made into Congressional Districts, and districts for both branches of the State Legislature, 45, 119
  " Report of committee on, 245
Attorneys, District, Ordinance to appoint by Supreme Court, 61
  " Ordinance to appoint by the Governor, with the consent of two-thirds of the Senate, 132
Amnesty, General, Resolution to consider the propriety of requesting the President of the UnitedStates to grant, 68
Africans, Ordinance to grant power to the Legislature for their removal, or colonization, 119
Attorney General, Ordinance to appoint by the Governor, with the consent of two-thirds of the Senate, 132
Asylums, Ordinance to ascertain the indebtedness of, 185, 196
  " Report of committee recommending that no action be taken in reference to the payment of certain claims against, 211
  " Additional section relating to the lands belonging to 215

Asylums, Ordinance for payment of certain claims against the Blind Asylum, 231, 289
" Report of committee on, 256
" Ordinance making appropriation to pay certain claims against the Deaf and Dumb Asylum, 257
" Substitute for ordinance to pay certain claims against Blind Asylum, 352
Appropriation Bill, Ordinance to permit the Governor to disapprove any portion of, 195
Address, to the President of the United States, Resolution to appoint a committee of nine to prepare, 212
" Resolution requiring officers and delegates to sign, 319
Arts, Sciences, and Literature, Ordinance giving power to the Legislature to make appropriations for their encouragement, 221

B

Bell, James H., requested to take the chair, to call the roll of Districts, and receive credentials, 3
Boyd, Mr., admitted to seat, vice James Shaw, 6, member of committee on Indian Affairs, Engrossed and Enrolled Ordinances, 31
Burleson, A. B., appointed Sergeant-at-Arms pro tem., 3
" elected same, 8
Bryan King, Delegate from Liberty and Polk, member of committee on Privileges and Elections, Education, 30
Benge, Geo. C., Delegate from Cherokee, member of committee on Indian Affairs, Engrossed and Enrolled Ordinances, 31
Burke, John, Delegate from Harrison, member of committee on Education, 270
Beal, W. P., Delegate from Upshur, member of committee on Legislative Department, Education, 30
Bumpass, J. K., Delegate from Collin, member of committee on General Provisions, Finance, 30
" Special, 31
Ball, A., Delegate from Ellis, Johnson, and Parker, member of committee on Indian Affairs, Engrossed and Enrolled Ordinances, 31
Bradshaw, Amzi, Delegate from Ellis, Johnson, and Parker, member of committee on Public Lands, Internal Improvements, 30
Bacon, Wm. P., Delegate from El Paso and Presidio, admitted to seat, 116

Bacon, Wm. P., Member of committee on Judicial Department, 139

Bill of Rights, Ordinance to amend Section VIII, 52

" Amendment to Section IX, recommended for adoption, 64, 104

Bail, Resolution to admit all persons to, except for capital offenses, 61

Bullard, L. B., Memorial of 61

Bonds, Railroad, State may guarantee payment of, under certain restrictions, 142

" United States Indemnity, Resolution to inquire into the cancellation of those paid out by the State since the retirement of Governor Houston, 177

" Ordinance making it the duty of the Attorney General to bring suit to recover, 180, 213

" Report of committee relative to, 248

Bulkley, S. B., Memorial of 259

C

Clements, P. W., Delegate from Panola, member of committee on Internal Improvements, Public Lands, 30

Camp, J. L., Delegate from Upshur, member of committee on Executive Department, Legislative Department, 30

" Finance, 222

Camp, L. B., Delegate from Goliad, Refugio, and San Patricio, member of committee on Printing and Contingent Expenses, Internal Improvements, 30

" Finance, 222

Chalmers, W. L., elected Secretary, 8

Constitutional Oath, Mr. Paschal's resolution to take, 11

Commissioner of the General Land Office required to furnish report, 29

Committees, Standing, list of:

Condition of the State—Mr. Norton, chairman; Waul, Johnson of Titus, Clements, Taylor of Fannin, Parsons, Thomas of Cameron, Hunt, Jones of Bexar, Runnels, Stuart, Selman, and Jones of Bastrop, p. 30, Phillips added to, p. 139, Davis added, 154

Executive Department—Mr. Dickson, chairman; Runnels, Hunt, Latimer, Perry, Spaight, Record, Smith of Lamar, Porter, Varnell, Anderson, Parker, and Camp of Upshur, 30

Legislative Department—Mr. Henderson, chairman; Tay-

lor of Fannin, Spaight, Slaughter, Allen, Ireland, Whitfield, Flanagan, Camp of Upshur, Hart, Beall, Degener, and Shields, p. 30, Phillips added to, 213
Judicial Department—Mr. Roberts, chairman; Reeves, Davis of Webb, Frazier, Smith of Colorado, Walker, Shepard, Record, Gurley, Phillips, Paschal, Hancock, and Taylor of Houston, p. 30, Bacon added to, 139
General Provisions—Mr. Hancock, chairman; Reeves, Randolph, Ledbetter, Armstrong, Bumpass, Wilson, Halbert, Shepard, Shields, Walker, Smith of Colorado, and Drake, 30, Mabry added to, 108
Privileges and Elections—Mr. Jones of Bastrop, chairman; Phillips, Hunt, Lane, Anderson, Davis of Cherokee, Giddings, Hill, Halbert, Bryan, Middleton, Porter, and Mabry, 30
Printing and Contingent Expenses—Mr. Jones of Bexar, chairman; Davis of Cherokee, Shuford, Murchison, Nelson, Camp of Goliad, and Perry, p. 30, Norton added to, 139
Hill and Middleton added to, p. 267, Shepard added to, 209
Education—Mr. Taylor of Houston, chairman; Whitfield, McCormack, Beall, Frazier, Ireland, Slaughter, Thomas of Grimes, Johnson of Titus, Bryan, Thomas of Cameron, Degener, and Armstrong, p. 30, Mr. Allen added, 77
Mabry, Record, Smith of Colorado, Perry, and Burke added, 271
Public Lands—Mr. Johnson of Tarrant, chairman, Smyth of Newton, Allen, Clements, Hill, Lindsey, Norris, Saunders, Bradshaw, Hunt, Woods, and McCormack, 30
Internal Improvements—Mr. Paschal, chairman; Gentry, Parsons, Smith of Lamar, Giddings Selman. Gurley, Varnell, Wilson, Ledbetter, Bradshaw, Saufley, Camp of Goliad, and Whitfield, 30
Finance—Mr. Latimer, chairman; Waul, Flanagan, Lane, Thomas of Grimes, Tyus, Mabry, Stuart, Parker, Bumpass, Harwood, Richardson, and Davis of Webb, 30
Shaw, p. 108, Camp of Upshur, 222
Indian Affairs—Mr. Dalrymple, chairman; Norris, Wood, Ball, Benge, Boyd, Ranck, Murchison, Tyus, Young, Thompson, Harwood, and Lindsey, 31
On Engrossed and Enrolled Ordinances—Mr. Randolph, chairman; Ranck, Benge, Ball, Saufley, Drake, Nelson, Richardson, Saunders, Shuford, Thompson, Boyd, and Middleton, 30, 31
Committee, Special—Mr. Roberts, chairman; Bumpass,

Jones of Bastrop, Spaight, Flanagan, Smith of Colorado, Mabry, Shuford, McCormack, Smyth of Newton, Young, Gentry, and Saunders, 41

Constitutions, State, of 1845 and 1861, resolution to refer to committees and report necessary changes, 35

Constitution, resolution to amend only so far as may be necessary to conform to existing order of things growing out of the late war, 37, 49

" Ordinance to amend Sections 12 and 13 of Art. V, 38

" Ordinance to amend the 22d section of Art. VI, 41

" Resolution directing the attention of committee on Education to Sec. 2, Art. X, 45

" Resolution directing the attention of the committee on General Provisions to Sec. 30, Art. VII, 46

" Resolution directing the attention of the committee on the Legislative Department, to Sec. 27, Art. III, 46

" Amendment to Sec. 5, Art. III, restricting sessions of House of Representatives to sixty days, 47

" Amendment to provide for the election of Speakers of the Senate and House of Representatives, and to prohibit members of either body from being eligible to certain offices, 47

" Resolution to inquire into the amendment of Sec. 30, Art. VII, so as to grant charters to Banking Companies, 53

" Resolution to continue in force amendment approved January 16, 1850, 57

" Resolution suggesting a mode for calling a Convention, 57

" Ordinance to amend Sections 4, 5, 8, 23, of Art. V, 63

" Sec. 30, Art. VII, recommended by committee to be retained, 64

" Sec. 37, Art. VII, substitute therefor, 65

" Sec. 24, Art. VII, resolution to consider its amendment, 67

" Sec. 1, Art. VII, resolution to strike out, 78

" Sec. 4, Art. V, resolution to amend, 81

" Art. VIII, amendment to, 109

Constitution, Art. IV, ordinance to amend, 132, 133
" Sec. 33, Art. VIII, substitute for, 142
" Sec. 34, Art. VII, substitute for, 146
" Ordinance relating to its adoption or rejection by the people, 153
" Art. III, Sec. 32, amendment to, 185
" Substitute for, 186
" Amendment to, 195
" Ordinance defining, and submitting to the people for ratification or rejection, 197
" Ordinance declaring the same to be invalid until ratified, 197
" Art. X, substitute for, 204
" Ordinance to define, 263
" Substitute therefor, 267
" Ordinance to submit to the people, 286
" Resolution to require the President, Delegates and Secretary to sign, 306
" Resolution authorizing Mr. Norton to superintend the printing of, 354
Chaplain, resolution to procure the services of, 69
" Resolution establishing his pay, 282
Confederate Currency, contracts made payable in, ordinance to recover the market value thereof at the time of maturity, 106
" " Report of committee on, 212
Costs in Supreme and District Courts, ordinance to authorize execution to issue for, 304
Commissioners to wait upon the President, resolution to appoint five, 246
" Ballot for, 306
" Resolution to pay expenses of, out of contingent fund, 309
" Ordinance making appropriation for, 309
" Resolution to require the Secretary to furnish them with copies of all ordinances of a general character, 357
Constitution, State, of 1845, resolution to publish for use of delegates, 52
Clerks, District, ordinance to appoint by District Judges, 61
Carpeting for the lobby, resolution to purchase, 68
Convention of 1861, ordinance to annul acts of, 63
Convention, seats in, numbered and drawn for, 14, 41
" Rules of, 100 copies to be printed, 28

Convention, resolution not to define its action in advance, 43
" Ordinance to fix the pay and mileage of delegates, and pay of officers of, 65
" Resolution to accelerate the business of, 77
" Fifteen minute rule of, and delegates not to speak more than once on the same question without leave, 96
" Extra Clerks of, resolution to authorize their employment, 107
" Resolution adverse to holding night sessions of, 117
" Ordinance to ascertain per diem expenses of, 139
" Ten minute rule of, 143
" Resolution to print 200 copies of each reported ordinance of, 154
" Ordinance to submit the acts of to the people, 172, 194
" Resolution to print ten copies of all ordinances passed for delegates of, on or by the day after adjournment, 243
" Resolution to turn over the property purchased by the, after adjournment, to the Secretary of State, 259
" Resolution making appropriation for the mileage and per diem of delegates and officers of, 259
" Resolution to publish debates of, 267
" Resolution making the certificates of the Assistant Secretaries for pay and mileage of delegates valid, 267
" Resolution to rescind the resolution to adjourn, 301
" Resolution to print the Journals and index the same, 307
Substitute for, 308
" Five minute rule of, 308
" Report of committee on Printing the Journals, 315
" Resolution making appropriation to defray contingent expenses of, 319, 361
" Resolution making it the duty of the Secretary to forward the journals, &c., to the delegates after the adjournment, 344
" Resolution of thanks to presiding officers of, 361
" Resolution relative to printing debates of, 361
Court, Criminal, resolution to inquire into its separate establishment, 31
" " Ordinance to create for the counties of Harris and Galveston, 190

Courts, District, resolution to hold same quarterly, and exercise jurisdiction over executors, administrators, and guardians, 37
" " Resolution to confer power to grant charters by, 222
" " Report of committee on, 247
Courts, created by the Provisional Government, their acts to be valid, 54
Court, Supreme, resolution directing the Judiciary Committee to take into consideration the present condition of the records, library, and furniture of, 32
" " Resolution to increase the Judges of, to five, and hold court at but one place, 37, 132
Courts, Justices, report of committee to provide for appeals from District Courts, 132
Court, County, Ordinance to constitute for police purposes, 61
" " Report of committee on giving jurisdiction of estates of minors and lunatics, and in certain criminal and civil cases to, 132
Counties heretofore created of less area than nine hundred square miles, ordinance to declare valid, 134, 146, substitute for, 260
Credit, loan of, by cities or counties, report of committee on, 139
Also see Railroads.
Caps, Percussion, resolution authorizing the sale of State machinery for making, 153

D

Delegates, list of:
Districts.
1. Jefferson, Chambers, Liberty, and Orange, A. W. Spaight.
2. Liberty and Polk, King Bryan.
3. Tyler and Hardin, Sam. A. Wilson.
4. Jasper and Newton, Geo. W. Smyth.
5. San Augustine and Sabine, R. A. Slaughter.
6. Shelby, J. O'B. Richardson.
7. Nacogdoches, Richard S. Walker.
8. Nacogdoches and Angelina, Wm. R. Anderson.
9. Houston, Wm. M. Taylor.
10. Anderson, J. M. Perry.
11. Trinity, Houston, and Anderson, R. A. Reeves.
12. Cherokee, Jack. Davis and Geo. C. Benge.
13. Rusk, J. H. Parsons and J. W. Flanagan.

14. Panola, P. W. Clements.
15. Harrison, John Burke.
16. Harrison and Panola, C. A. Frazier.
17. Smith, O. M. Roberts and B. T. Selman.
18. Davis, W. P. Saufley.
19. Titus, J. F. Johnson.
20. Davis, Titus, and Bowie, H. R. Runnels and H. P. Mabry.
21. Upshur, W. P. Beal and J. L. Camp.
22. Red River, A. H. Latimer.
23. Lamar, Alex. Smith.
24. Hopkins, H. W. Nelson.
25. Lamar and Hopkins, M. L. Armstrong.
26. Wood, A. P. Shuford.
27. Van Zandt, Kaufman, and Henderson, A. B. Norton and J. S. Porter.
28. Hunt, Hardin Hart.
29. Fannin, R. H. Lane.
30. Fannin and Hunt, Robert H. Taylor.
31. Grayson, J. M. Hurt.
32. Collin, J. K. Bumpass.
33. Collin and Grayson, James W. Throckmorton.
34. Galveston, Hamilton Stuart.
35. Galveston and Brazoria, A. P. McCormack.
36. Harris, James W. Henderson and A. M. Gentry.
37. Montgomery, Grimes, and Brazos, D. C. Dickson and W. S. Thomas.
38. Walker, Benton Randolph.
39. Leon and Madison, W. B. Middleton.
40. Freestone, Limestone, and Falls, B. G. Shields and Ben. R. Tyus.
41. Navarro and Hill, J. L. Halbert.
42. Ellis, Johnson, and Parker, A. Ball and Amzi Bradshaw.
43. Tarrant, M. T. Johnson.
44. Dallas, J. K. P. Record, and Alex. Harwood.
45. Denton, M. W. Allen.
46. Cooke, Montague, Wise, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, and Haskel, J. M. Lindsey.
47. Matagorda, Wharton, and Fort Bend, Wells Thompson.
48. Austin, Z. Hunt.
49. Colorado, George W. Smith.
50. Fayettee, Hamilton Ledbetter.
51. Washington, D. C. Giddings.
52. Washington and Fayette, James E. Shepard.

53. Burleson and Robertson, James Shaw.
54. Bastrop, George W. Jones.
55. Travis, John Hancock.
56. Travis and Williamson, W. C. Dalrymple.
57. Williamson and Milam, F. A. Hill.
58. Caldwell, Hays, and Blanco, P. C. Woods.
59. Bell and Lampasas, X. B. Saunders.
60. McLennan and Bosque, E. J. Gurley.
61. Coryell, Hamilton, Comanche, Erath, Brown, Palo Pinto, Stephens, Eastland, Shackleford, Callahan, Coleman, Jones, Taylor, and Runnels, James M. Norris.
62. Calhoun, Victoria, Jackson, and De Witt, A. H. Phillips and Wm. M. Varnell.
63. La Vaca, J. W. Whitfield.
64. Gonzales, T. N. Waul.
65. Guadalupe, John Ireland.
66. Comal, Daniel Murchison.
67. Gillespie, Kerr, Bandera, Mason, Menard, Kimball, and Edwards, J. E. Ranck.
68. Burnet, Llano, San Saba, McCulloh, Concho, J. M. Young.
69. Goliad, Refugio, and San Patricio, L. B. Camp.
70. Karnes, Bee, Live Oak, Atascosa, McMullen, Frio, La Salle, Zavalla, and Dimmitt, Orin Drake.
71. Bexar, I. A. Paschal, Ed. Degener.
72. Bexar, Medina, Uvalde, Dawson, Kinney, and Maverick, Wm. E. Jones.
73. Cameron, G. B. Thomas.
74. Cameron and Hidalgo, F. J. Parker.
75. Starr and Zapata, (not represented.)
76. Webb, Nueces, Duval and Encinal, Ed. J. Davis.
77. El Paso and Presidio, W. P. Bacon, 3, 4, 5.

Davis, Jack, Delegate from Cherokee, member of committee on Privileges and Elections, 30
  Added to committee on Condition of the State, 154
Dickson, D. C., Delegate from Montgomery, Grimes, and Brazos, chairman of committee on Internal Improvements, 30
  Elected President pro tem., 105
Dalrymple, W. C., Delegate from Williamson and Travis, chairman of committee on Indian Affairs, 31
Drake, O., Delegate from Karnes, Bee, &c., member of committee on General Provisions, 30
  Added to committee on Engrossed and Enrolled Ordinances, 31
Degener, Ed., Delegate from Bexar, member of committee on Legislative Department, Education, 30

Davis, E. J., Delegate from Webb, Nueces, &c., member of committee on Judiciary Department, Printing and Contingent Expenses, Finance, 30
Debts due in Confederate money, resolution to allow proof of fact, 31
Debts contracted before the war, resolution to consider the propriety of extending relief for, 31
" Resolution not to postpone the collection of, 46
Debt, State, resolution relative to, 10
" Report of Ex-Governor Pease and Palm thereon to be procured, 31
" Resolution to restrict and impose a tax for payment of, 66
" accruing subsequent to January 28, 1861, repudiated, 117
" Ordinance to establish an auditorial board to ascertain, 174
" Ordinance to provide for the rejection or payment of certain portion of, 174
" " Proviso to recognize claims accruing prior to February 1, 1861, 178
" " Amendment to, 179
" " Substitute for, 179
" Ordinance relative to, 270
" Ordinance to restrict its future creation beyond a certain amount, 285
" " Protest against 3d section of, 356
Debt, Confederate war, ordinance prohibiting its payment, 117
" County war, ordinance to prohibit bringing suits for its recovery, 213
" " Report of committee on, 232
Domain, Public, resolution to sell a certain portion of, to Government of United States, and divide remainder into three new States, 38, 39
" " Resolution to cede a certain portion of, to the Government of the United States, for fifty years on certain conditions, 81
" " Resolution to inquire into the propriety of granting three hundred and twenty acres of, to each actual settler, on condition of three years occupancy, 154
" " Ordinance relative to, 166
" " Ordinance to provide for sale of certain portion of, 193, 202

Delegates of the Convention, resolution to vacate the seats, pro tem., of those who may be unpardoned by President, 48
When attorneys, suits to be continued in certain cases, 113
Digest, Oldham and White's, resolution to procure one copy for each delegate, &c., 30, 53
" Paschal's, resolution for State subscription to, 113
" " Report of committee on, 125
Districts, Congressional, resolution to divide State into four, 119
" " Ordinance defining each, 293
" " " substitute for, 294
Districts, Judicial, resolution to reduce the number of, 246
" " Report of committee on, 277
" " Ordinance relative to, 341

E

Editors and Reporters admitted to seats within the bar, 8
Evarts, Judge G. A., requested, by resolution, to administer the Amnesty Oath to the delegates, 14
Election contested between Messrs. Shaw and Boyd, report of committee on, 32
Election, State, ordinance directing the Governor to order, 198
" " " providing for, 264
" " " " " substitute for, 265
" " resolution relative to, 303
" " resolution to request Provisional Governor to issue his proclamation for, 307
" " ordinance relating to, 320, 344
Electors, qualification of, prescribed by substitute, 186
Elliott, H. L., memorial of presented, 61

F

Flanagan, J. W., Delegate from Rusk, member of committees on Legislative Department and Finance, 30
Appointed on Special committee, 41
Frazier, C. A., Delegate from Harrison and Panola, member of committees on Judiciary Department and Education, 30
Fisher, Rhodes, elected Enrolling and Engrossing Clerk, 10
Flournoy, S. M., elected Doorkeeper, 8
Frontier, resolution inquiring what steps had been taken for its protection, 46
" Report of committee on Indian Affairs relating to, 66
" Resolution to permit certain Indian tribes to occupy north-west territory as a hunting ground, in consideration of guaranteeing protection to the settlers of, 78, 220

Frontier, Agent to proceed to Washington City, to confer with the President in reference to, 78
" Substitute for ordinance relative to, 103
" Ordinance granting 320 acres of land to settlers, as a means of protecting, 166
" Report on resolution to cede certain lands for fifty years for protection of, 203
" Resolution to authorize Provisional Governor to call into service one regiment of mounted troops for its protection, 220
" Resolution to raise four companies of mounted rangers to protect, 220
" Report of committee relative to, 234
" Ordinance to pay troops called out by Governor Houston for protection of, 257
" Substitute for, 337
Franchise, Elective, resolution to inquire into the expediency of retaining the power of the State to regulate, 57
" " Minority report relative to, so as to confer it upon all citizens who have arrived at the age of 21 years, and who can read and write understandingly, without reference to color or nativity, 81, 91
Freedmen, ordinance to protect in rights of person and property, 98
" May testify in all cases, 98
" Substitute for ordinance, 99
" Amendment thereto, 99
" Petition of, asking that the right of suffrage be conferred on them, 103
" Resolution to request the President to appoint a commissioner to ascertain true condition of, in this State, 161
" Ordinance relative to, 170
Freedmen's Bureau, resolution relative to its continuance, 177

G

Giddings, D. C., Delegate from Washington, member of the committees on Privileges and Elections and Internal Improvements, 30
Giddings, G. H., resolution to furnish him with a copy of the resolution relating to Indian Affairs, &c., 219

Gurley, E. J., Delegate from McLennan and Bosque, member of committees on Judiciary Department and Internal provements, 30

Gentry, A. M., Delegate from Harris, member of committee on Internal Improvements, 30

Appointed on Special committee, 41

Gillock, B. W., Delegate from El Paso, credentials presented, 132

" Resolution appropriating mileage for, 304

Green, J. M., ordinance for relief of, 287

H

Henderson, James W., Delegate from Harris, on motion took the chair, preparatory to the organization of the Convention, 3

Chairman of committee on the Legislative Department, 30

Hart, Hardin, Delegate from Hunt, member of committee on Legislative Department, 30

Hurt, J. M., Delegate from Grayson, 30

Halbert, J. L., Delegate from Navarro and Hill, member of committees on General Provisions and Privileges and Elections, 30

Harwood, Alex., Delegate from Dallas, member of committees on Finance and Indian Affairs, 30

Hunt, Z., Delegate from Austin, member of committees on Internal Improvements, Executive Department, Privileges and Elections, and Public Lands, 30

Hancock, John, Delegate from Travis, chairman of committee on General Provisions, and member of committee on Judiciary Department, 30

Hill, F. A., Delegate from Williamson and Milam, member of committees on Privileges and Elections, Public Lands, 30, and Printing and Contingent Expenses, 267

Hutchins, J. V., elected Second Assistant Secretary, 9

Hutchins, J. H., Petition of, 204

" Report of committee on, 212

Houston, Gov., resolution to pay the salary of, for unexpired term, 221

" Ordinance making appropriation for pay of, 258

" Resolution to procure portrait of, for the Representative Hall, 266

I

Ireland, John, Delegate from Guadalupe, member of committees on Legislative Department and Education, 30

Inaugural Address of President of the Convention, 6, 7

Internal Improvements, ordinance amending the Constitution relative to, and imposing a tax on persons living within thirty miles of any proposed road, canal, &c., to pay half the principal and interest within twenty years; also providing for the election of a Commissioner on Internal improvements by the people, 38; substitute for, 333

Immigration to the State, resolution to encourage, and to provide for sending agents abroad, 57, 232

J

Johnson, J. F., Delegate from Titus, member of committees on Internal Improvements and Education, 30

Johnson, M. T. Delegate from Tarrant, chairman of committee on Public Lands, 30

Jones, Geo. W., Delegate from Bastrop, member of committee on Internal Improvements, chairman of committee on Privileges and Elections, 30, Special, 41

Jones, Wm. E., Delegate from Bexar, Medina, &c., member of committee on Internal Improvements, chairman of committee on Printing and Contingent Expenses, 30

Judges, Supreme and District, ordinance to provide for appointment, and fix official term of, 47

" " " Resolution instructing Judiciary Committee relative to their election and salary, 47

" " " Report on increased salary and official term, 133

Judgments, orders, and decrees of Courts to be valid, 53

Justice, Chief, ordinance to restrict his jurisdiction, 61

Judges, District, ordinance to appoint by Supreme Court, 61

L

Latimer, A. H., Delegate from Red River, chairman of committee on Finance, member of committee on Executive Department, 30

Lane, R. H., Delegate from Fannin, member of committees on Privileges and Elections and Finance, 30

Lindsey, J. M., Delegate from Cooke Montague, &c., member of committees on Public Lands and Indian Affairs, 30

Ledbetter, Hamilton, Delegate from Fayette, member of committees on General Provisions and Int'l Improvements, 30

Laws, not conflicting with the Constitution of the United States, or of this State, as amended by Convention, to be valid, 36, 53
" State, ordinance requiring Legislature to repeal and amend so as not to conflict with Constitution of the United States, 143
Limitation, resolution relative to, 67
" Substitute for resolution, 141
" Ordinance relative to, 159
Legislation, Special, resolution to prohibit, 77
Land Certificates, ordinance to validate all issued subsequent to February 1, 1861, 171
Legislature, State, ordinance making appropriation to pay expenses of next, 268

M

Morris, James B., appointed Secretary pro tem., 3
Mabry, H. P., Delegate from Davis, Titus, and Bowie, member of committees on Privileges and Elections, Finance, 30, Special, 41, General Provisions, 108, and Education, 271
McCormack, A. P., Delegate from Brazoria, member of committees on Education and Public Lands, 30, Special, 41
Middleton, W. B., Delegate from Leon and Madison, member of committees on Privileges and Elections, 30, Engrossed and Enrolled Ordinances, 31, and Contingent Expenses and Printing, 267
Murchison, Daniel, Delegate from Comal, member of committees on Printing and Contingent Expenses, 30, and Indian Affairs, 31
Message of the Provisional Governor, 16, 27
" Report of committee to print 100 copies of, 33
Marriage between whites and Africans, resolution to annul, 41
" Report of committee not to repeal laws now in force, 45
" between freedmen and freedwomen, ordinance to ratify and legitimise the issue between those now living together as man and wife, 44
McRae, Rev. T., services as chaplain procured, 76
Manufactories, Machinery, &c., report of committee on Condition of State adverse to their protection from forced sale, 115
Mines, minerals, salines, &c., ordinance declaring the same to belong to the rightful owner of the land on which they may be situated, 214, 263

N

Nelson, H. W., Delegate from Hopkins, member of committees on Printing and Contingent Expenses, 30, and Engrossed and Enrolled Ordinances, 31
Norton, A. B., Delegate from Vanzandt, Kaufman and Henderson, chairman of committees on Internal Improvements, 30, Condition of the State, 115, and member of committee on Printing and Contingent Expenses, 139
Norris, James M., Delegate from Coryell, Hamilton, &c., member of committees on Public Lands, 30, and Indian Affairs, 31

ORDINANCES, ETC., PASSED.

Calling the attention of the President of the United States to the present unprotected condition of our Indian frontier, 80
Making appropriation for the per diem pay and mileage of the delegates, and the per diem pay of the officers of the Convention, 112
Making an appropriation to defray the printing and other contingent expenses of the Convention, 119
Defining the 8th Article of the Constitution, 176
Relative to the direct tax levied upon the State of Texas by the United States, 190
Declaring the war debt void, and for other purposes, 190
Declaring the ordinance of secession null and void, 190
Defining the 3d Article of the Constitution, 208
In regard to the frontier, 245
Making an appropriation for the per diem pay and mileage, 266
Relating to Article IV, Judicial Department, 266
" " V, Executive Department, 266
" " to 9th section of Bill of Rights, 277
" " to Education, 287
To legalize counties heretofore established, 287
Providing for the election of State Officers, and fixing the time for the meeting of the Legislature, 302
Making appropriation to pay the salary of Gov. Houston, 302
For the relief of James M. Green and others, 302
Requiring the assessment and collection of taxes for the year 1866, 332
Making an additional appropriation for contingent expenses, 332
Authorizing any county, city or town to become a stockholder in, or loan its credit to any company, association, or corporation, 332
Making appropriation to defray the expenses of four delegates elected to visit Washington, 332

Prescribing the mode of conducting an election for officers, and the ratification of the amendments to the Constitution, 332

Making valid the laws and acts of officers therein mentioned, and for other purposes, 341

Defining the 37th Section of the General Provisions of the Constitution, 346

Amending Section 10 of the General Provisions of the Constitution, 346

Adopting caption for the amended Constitution, 346

Fixing the time for the election of officers under the amended Constitution, 346

To equalize the labor, and make uniform the terms of Judicial Districts, 346

For the relief of the people of Orange county, 353

Validating all Warrants issued for the payment of troops called into service prior to the 2d day of March, 1861, 353

Striking out Article XIII, Schedule of the Constitution of 1845, Section 2d of Article XI, and Section 36 of Article VII, General Provisions, 353

Defining the 37th and 38th Sections of the General Provisions of the Constitution, 353

Concerning the collection of debts, 353

Providing for the division of the State of Texas,* 357

Authorizing the appointment of a commissioner of statistics for the promotion of immigration, 361

Securing the common school and university fund, and for for other purposes, 361

On the subject of mines, minerals, salines, and oil springs, 361

Officers of Convention, list of:
- James W. Throckmorton, President, 6
- W. L. Chalmers, Secretary, 8
- J. G. Wheeler, 1st Assistant Secretary, 9
- J. V. Hutchins, 2d " " 9
- Rhodes Fisher, Enrolling and Engrossing Clerk, 10
- A. B. Burleson, Sergeant-at-Arms, 8
- J. J. Stubblefield, Ass't do., 10
- S. M. Flournoy, Doorkeeper, 8
- E. B. Smith, Reporter, 15
- Rev. T. McRae, Chaplain, 69, 75

Officers appointed by Provisional Governor, resolution to validate their acts, 44, 54

---

* Note—No action of the committee on Engrossed and Enrolled Ordinances appears to have been taken on this ordinance.

Officers, resolution to pay their salaries in specie, or its equivalent, 221
“ Report of committee on, 245, 274
“ Protest against 9th section of ordinance, 355
Office, removal from, 53, 60, 135, 203
Offices, ordinance to prohibit from holding more than one at the same time, with exceptions, 108
“ shall be held for four years, when not otherwise provided, 135, 203
Officers, Judicial, ordinance to increase their official term and salary, 132
Orange, county of, report of committee to relieve from State tax, and accompanying ordinance, 134
Officers, Municipal, ordinance requiring their election at the same time as State and County, 284

P

Porter, J. S., Delegate from Van Zandt, Kaufman and Henderson, member of committees on Executive Department and Privileges and Elections, 30
Perry, J. M., Delegate from Anderson, member of committees on Executive Department, Printing and Contingent Expenses, 30, and Education, 271
Parsons, J. H., Delegate from Rusk, member of committee on Internal Improvements, 30
Phillips, A. H., Delegate from Victoria, Calhoun, &c., &c., member of committees on Judicial Department, Privileges and Elections, 30, Condition of the State, 139, and the Legislative Department, 213
Paschal, I. A., Delegate from Bexar, member of committee on Judicial Department, and chairman of committee on Internal Improvements, 30
Parker, F. J., Delegate from Cameron and Hidalgo, member of committees on Executive Department and Finance, 30
Pardon of the President of the United States asked for by committee, in behalf of Messrs. Runnels, Waul, Ireland and Whitfield, 42
Property, seizure of private, under Confederate authority, parties not held responsible for, 54
“ Ordinance relating to, 160
Punishment, Capital, resolution to abolish, 54
Policy, Reconstruction, of the President of United States, resolution to endorse, 120, 363
Pensions, ordinance to ascertain amount due for, 185

Penitentiaries, Branch, ordinance to establish two, 246
" " " Report of committee on, 274
Pages, resolution to establish their pay, 282

R

Richardson, J. O'B., Delegate from Shelby, member of committees on Finance, 30, and Engrossed and Enrolled Ordinances, 31
Reeves, R. A., Delegate from Trinity, Houston and Anderson, member of committee on General Provisions, 30
Roberts, O. M., Delegate from Smith, chairman of committee on Judiciary Department, 30, and Special committee, 41
Runnels, H. R., Delegate from Davis, Titus and Bowie, member of committees on Internal Improvements and Executive Department, 30
Randolph, Benton, Delegate from Walker, member of the committee on General Provisions, 30, and chairman of committee on Engrossed and Enrolled Ordinances, 31
Record, J. K. P., Delegate from Dallas, member of committees on Executive Department, Judiciary Department, 30, and Education, 271
Ranck, J. E., Delegate from Gillespie, Kerr, &c., member of committees on Indian Affairs, 30, and Engrossed and Enrolled Ordinances, 31
Resumption of our Federal Relations, resolution to declare our gratification at having the opportunity to effect the, 41
Rail Road, Union Pacific, resolution asking aid of General Government to construct through Indian territory, 46
Rail Roads, subscriptions to by county courts, resolution relative thereto, 53
Rail Road Companies, ordinance to permit their indebtedness to the State to be liquidated by payment of treasury warrants, bonds or coupons, 195
Restoration of the State to the Union, terms and conditions of the President cordially accepted by the people of Texas, 57
Revision, Committee of, resolution to appoint, 307
" " resolution relative thereto, 308

RESOLUTIONS AND ORDINANCES.

By Mr. Allen, 101, 196, 220
" Armstrong, 11, 28, 38, 47, 153
" Bacon, 197, 287
" Ball, 106, 113
" Beall, 110, 117, 143, 198, 267, 307, 345
" Benge, 57, 67

By Mr. Bradshaw, 47, 179, 195

“ Bumpass, 27

“ Burke, 47, 53, 60, 119

“ Camp of Goliad, 59, 76, 271

“ Camp of Upshur, 57, 204

“ Dalrymple, 134, 192

“ Davis of Cherokee, 80, 164, 281

“ Davis of Webb, 29, 37, 38, 57, 135, 282

“ Degener, 81, 177

“ Dickson, 14

“ Drake, 96

“ Flanagan, 41, 42, 46, 65, 67, 76, 113, 135

“ Frazier, 15, 31, 47, 99

“ Giddings, 53, 161, 186

“ Gentry, 53, 107, 215, 246, 302, 309

“ Halbert, 46, 153

“ Hancock, 31, 35, 50, 69, 149, 157, 178, 185, 247, 304

“ Hart, 34, 259

“ Henderson, 29, 38, 68, 190, 267

“ Hill, 259, 283

“ Hunt, 44

“ Hurt, 150, 308

“ Ireland, 13, 31, 41, 113, 180

“ Johnson of Tarrant, 49, 221

“ Jones of Bexar, 29, 37, 39, 68, 179, 220, 319, 344, 353

“ Jones of Bastrop, 194

“ Latimer, 35, 102

“ Lindsey, 45, 68, 219

“ Mabry, 11, 34, 36, 43, 45, 134, 147, 151, 213

“ Nelson, 307

“ Norris, 53, 60, 77, 154, 217

“ Norton, 28, 65, 71, 97, 98, 183, 266, 286, 306, 345, 361, 362

“ Parsons, 28, 36, 259

“ Paschal, 11, 14, 15, 37, 119, 284

“ Phillips, 99, 153

“ Porter, 246

“ Ranck, 54, 59

“ Record, 31, 212

“ Reeves, 44, 148

“ Richardson, 59

“ Roberts, 12, 40, 53, 119, 156, 196, 246, 303, 306

“ Runnels, 54, 143, 205

“ Saufley, 46, 157, 316

“ Saunders, 41, 47, 160, 220, 222, 267

By Mr. Selman, 214, 243, 269
“ Shepard, 195, 212, 267, 285
“ Shields, 69
“ Shuford, 41, 48
“ Slaughter, 139, 152, 158, 178, 204, 207, 277
“ Smith of Colorado, 96, 138, 149, 198
“ Spaight, 36, 52, 77, 93, 135, 140, 177
“ Stuart, 46, 56
“ Taylor of Fannin, 139, 258, 293
“ Taylor of Houston, 6, 91, 92
“ Varnell, 78, 203, 221
“ Walker, 46, 61, 66, 77, 221
“ Waul, 57, 160, 193, 301
“ Wilson, 31, 44, 45, 67, 77, 107, 181
“ Woods, 67
“ Whitfield, 36, 114

REPORTS OF STANDING COMMITTEES.

Condition of the State, 62, 63, 79, 111, 115, 159, 170
“ “ “ 188, 202, 232, 263, 273
Executive Department, 63
Legislative Department, 50, 81, 107, 109, 140
“ “ 244, 263, 264, 265
Judicial Department, 51, 105, 111, 125, 132, 141
“ “ 159, 189, 212, 265, 273, 274
General Provisions, 45, 51, 59, 64, 92, 101, 104
“ “ 146, 203, 214, 220, 247, 248
Privileges and Elections, 32, 42, 116, 171
Printing and Contingent Expenses, 33, 52, 111, 314, 353, 361
Education, 91, 277
Public Lands, 165, 171, 175, 193
Internal Improvements, 141
Finance, 116, 133, 211, 212, 245, 256, 257, 258, 274, 320, 322
Indian Affairs, 66, 102, 166, 203
Engrossed and Enrolled Ordinances, 80, 106, 112, 119, 143, 167
“ “ “ 176, 190, 208, 212, 233
“ “ “ 245, 246, 251, 256, 266
“ “ “ 277, 287, 302, 315, 332
“ “ “ 341, 346, 353, 357, 361
Special Committee, 43, minority report of, 70, 233, 317

S

Spaight, A. W., Delegate from Jefferson, Chambers, &c., member of committees on Executive Department and Legislative Department, 30, Special, 41

Smyth, Geo. W., Delegate from Jasper and Newton, member of committee on Public Lands, 30, and Special committee, 41
“ his death announced, 68
“ resolution respecting, 68
“ adjournment of Convention on account of, 68
“ committees appointed, 69
“ funeral arrangements, 69
“ report on life and services of, with accompanying resolution, 70
“ Mr. Norton's address, 71—74
“ Mr. Latimer's address, 75
“ appropriation for funeral expenses of, 107, 112
Slaughter, R. A., Delegate from San Augustine and Sabine, member of committees on Legislative Department and Education, 30
Selman, B. T., Delegate from Smith, member of committee on Internal Improvements, 30
Saufley, W. P., Delegate from Davis, member of committees on Internal Improvements, 30, and Engrossed and Enrolled Ordinances, 31
Smith, Alex., Delegate from Lamar, member of committees on Executive Department and Internal Improvements, 30
Shuford, A. P., Delegate from Wood, member of committees on Printing and Contingent Expenses, 30, and Engrossed and Enrolled Ordinances, 41
Stuart, Hamilton, Delegate from Galveston, member of committees on Internal Improvements and Finance, 30
Shields, B. G., Delegate from Freestone, Limestone, and Falls, member of committees on Legislative Department and General Provisions, 30
Smith, Geo. W., Delegate from Colorado, member of committees on Judiciary Department and General Provisions, 30, Education, 271
Shepard, James E., Delegate from Washington and Fayette, member of committees on Judiciary Department and General Provisions, 30
Shaw, James, Delegate from Burleson and Robertson, petition of, presented, 28, member of Finance Committee, 108
Saunders, X. B., Delegate from Bell and Lampasas, member of committee on Public Lands, 30
Stubblefield, J. J., elected Assistant Sergeant-at-Arms, 10
Smith, E. R., elected Reporter, 15, propositions of, to prepare debates for publication, 362

Secession, resolution to annul act of, 35
" ordinance to repeal act of, 38, 62
" right of, renounced, 44, 66
" resolution declaring it unnecessary to repeal, 48
" ordinance declaring act of null and void *ab initio*, 60, 80
" minority report thereon, 79
" resolution to accelerate its passage, 114
" ordinance declaring act of, void, 147, 150
" substitute renouncing the right of, 148, 150, 157
" substitute declaring State action unnecessary, 151
" substitute solemnly renouncing right of, 152
" substitute declaring act of, null and void, 156
" substitute declaring it null and void from the beginning, 158
" substitute distinctly renouncing right of, 158
" ordinance declaring the right to secede does not exist, 183
School Fund, resolution to ascertain amount of funds belonging to, the amount due from State and railroads to, the amount of lands belonging to, and suggesting the election by the people of a Superintendent of common schools, 36
" " report of committee on, 92
" " ordinance in relation to, 92
" " ordinance to divide according to the scholastic population of each county, 204
" " " substitute therefor, 205
" " report of committee relating to, 273, 275
" " ordinance to secure, 276, substitute for, 359
" " protest against, 360
" " tax paid by Africans, resolution to assess and collect by persons of African descent, 209
School lands, resolution to ascertain the amount and character of funds paid for during the rebellion, 47
" " ordinance to divide according to the scholastic population of each county, 204, substitute therefor, 205
Schools, common, resolution declaring the present system inefficient, 208
Sheriff, resolution to extend the term of office of, 46
" resolution to blend the office of, with that of Assessor and Collector, 59, 141
" ordinance to appoint by District Judge, 61
Slavery, African, report of committee on, 52

Sabbath, resolution for its observance, 67
" report of committee on, 101
" minority report on, 101
Sales, forced, resolution to protect property from, for 12 mos., 76
" " resolution to exempt certain property from, 76
" " report of committee relative to, 92
" " resolution to exempt a certain number of live stock from, 106
" " report of committee unfavorable to, 111
" " resolution requiring property to bring two-thirds of its value, 135
" " ordinance to protect one thousand dollars worth of personal property from, 139
" " report of committee on, 141
" " homesteads to be exempt from, 189
" " ordinance relating to, 271
Suits against the State, ordinance to authorize, 135
Suits for recovery of money or property turned over to Confederate States Receivers, ordinance to prohibit, 221
Smith, W. A., petition of, 231
State, division of, resolution on the propriety of, 135
" " ordinance to create the State of East Texas, 188
" " ordinance authorizing, 202
" " protest against, 358
Salt Lake, ordinance to secure possession of, to State, 160
" ordinance to release to the owner of the soil, 214
Surveys, lost lines or corners of, ordinance to obviate difficulties arising from, 194

T

Taylor, Wm. M., Delegate from Houston, chairman of committee on Education and member of committee on Judiciary Department, 30, elected President pro tem., 201
Taylor, Robert H., Delegate from Fannin and Hunt, member of committees on Internal Improvement and Legislative Department, 30
Throckmorton, James W., Delegate from Collin and Grayson, and President of the Convention, 6
Thomas, W. S., Delegate from Montgomery, Grimes, and Brazos, member of committees on Education and Finance, 30
Tyus, Ben. R., Delegate from Freestone, Limestone, and Falls, member of committees on Finance, 30, and Indian Affairs, 31

Thompson, Wells, Delegate from Matagorda, Wharton, and Fort Bend, member of committees on Indian Affairs and Engrossed and Enrolled Ordinances, 31

Thomas, G. B., Delegate from Cameron, member of committees on Internal Improvement and Education, 30

Tax, United States Special, ordinance to assume payment of by the State, 41, 59, 102, 181

Taxes, State, resolution to inquire into the expediency of requiring their rendition and payment in the county where located, 59

" " resolution requiring their assessment and collection for 1866, 103

" " report of committee on, 322

Taxes, lands sold for, ordinance granting further time for their redemption, 259, 273

Troops, State, mustered into service previous to March 2d, 1861, ordinance to provide for their payment, 192

U

University Lands, ordinance authorizing payments made in State Treasury Warrants thereon to be credited at their market value at the time of payment, 171, report on, 176

V

Varnell, Wm. M., Delegate from Victoria, Calhoun, &c., member of committees on Executive Department and Internal Improvements, 30

Voters, qualification of, ordinance relative to, 38

Vacancies, resolution to fill by appointment by the Governor until next general election, 68, 281

W

Wilson, Sam. A., Delegate from Tyler and Hardin, member of committees on General Provisions and Internal Improvement, 30, authorized to draw the pay of George W. Smyth, deceased, 77

Walker, Richard S., Delegate from Nacogdoches, member of committee on Judiciary Department, 30

Woods, P. C., Delegate from Caldwell, Hays, and Blanco, member of committee on Public Lands, 30, and Indian Affairs, 31

Whitfield, J. W., Delegate from La Vaca, member of committees on Legislative Department and Education, 30, and Internal Improvements, 56

Waul, T. N., Delegate from Gonzales, member of committees on Condition of State and Finance, 30
Wheeler, J. G., elected 1st Assistant Secretary, 9
Witnesses, evidence of Africans and their descendants not to be excluded on account of color, 93, 95
  Substitute for, 93
  " Africans required to testify in open court, 96

Y

Young, J. M., Delegate from Burnet, Llano, &c., member of committee on Indian Affairs, 31, Special, 41